

margarine to 2 cents per pound; to the Committee on Ways and Means.

Also, petition of Ernst Tosetti Brewing Co., for temporary removal of duty on barley; to the Committee on Ways and Means.

By Mr. McHENRY: Petitions of Washington Camp No. 231, of Mount Carmel; Washington Camp No. 35, of Mount Carmel; and Washington Camp No. 517, of Berwick, all of Patriotic Order Sons of America in the State of Pennsylvania, for the immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Petition of Richard Bros., of Yale, Mich., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petitions of business men of Havelock and Brownville and citizens of Humboldt, in the State of Nebraska, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Cook, Lincoln, Verdon, and Steinauer, in the State of Nebraska, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Statement to accompany House bill 32402, for a memorial of Gen. Meade; to the Committee on the Library.

By Mr. MORSE: Petition of citizens of Langlade County; Society of Equity, of Butternut; and citizens of Amigo, in the State of Wisconsin, favoring extension of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of tenth congressional district of Wisconsin, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wood County, Wis., against removal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. O'CONNELL: Petition of New York Mercantile Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. PRAY: Petition of 35 merchants and others of Red Lodge, Columbia Falls, Dayton, and Great Falls, in the State of Montana, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: Memorial of the National Tariff Commission Association, favoring a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, memorial of railway mail clerks of Omaha, Nebr., and vicinity, favoring increased pay and improved postal mail service; to the Committee on the Post Office and Post Roads.

Also, memorial of the New York Mercantile Exchange, commending the proposed reciprocal agreement with Canada; to the Committee on Ways and Means.

Also, petition of the Seward Commercial Club, of Seward, Alaska, for the development of the coal fields of Alaska; to the Committee on the Territories.

By Mr. SHEFFIELD: Petition of Town Council of Warwick, R. I., favoring Senate bill 5677, to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: Petition of citizens of Ocala, Fla., favoring extension of the parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Local No. 12962, Port Tampa City, Fla., for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. STERLING: Petition of First Presbyterian Church of Springfield, Ill., and citizens of St. Charles, Ill., for the enactment of the Miller-Curtis interstate liquor bill (H. R. 23641); to the Committee on the Judiciary.

Also, petition of Pontiac Farmers' Grain Co., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. STURGISS: Petition of Council No. 154, Junior Order United American Mechanics, of Elkins, W. Va., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Merchants' Association of New York, for House bill 30888; to the Committee on Foreign Affairs.

Also, petition of National Liberal Immigration League, against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Colorado: Petition of citizens of Grand Junction, Colo., against House joint resolution 17; to the Committee on the District of Columbia.

By Mr. WANGER: Resolutions of the Penns Park Council, Junior Order United American Mechanics, located at Penns Park, Bucks County, Pa., and resolutions of Washington Camp No. 331, Patriotic Order Sons of America, of Edge Hill, Mont-

gomery County, Pa., in behalf of the bill H. R. 15413, to amend the immigration act; to the Committee on Immigration and Naturalization.

By Mr. WEISSE: Petition of citizens of Wisconsin, for extension of parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wisconsin, against extension of parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of New York Mercantile Exchange, favoring Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Central Labor Union and Washington Central Federated Union, of New York, favoring construction of battleship *New York* at Government navy yard; to the Committee on Naval Affairs.

By Mr. WOOD of New Jersey: Petition of Enterprise Council, No. 6, Junior Order United American Mechanics, of Trenton, N. J., for H. R. 15413; to the Committee on Immigration and Naturalization.

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 4, 1911.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Infinite Spirit, Father of all souls, broaden the scope of our vision, quicken our spiritual pulse, and draw us closer to Thee, that we may have more religion, fewer isms; more morality, fewer criminalities; more sobriety, fewer saloons; more harmony, fewer strikes; cleaner homes, fewer divorces; a better Government, and fewer laws; that Thy kingdom may come and Thy will be done on earth as it is in heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

### RATIFICATION OF SIXTEENTH AMENDMENT.

The SPEAKER. The Chair lays before the House, if there be no objection, a communication from the secretary of state of the State of Idaho, touching the ratification of a proposed amendment to the Constitution. The Chair's recollection is that under the terms of the law, by concurrent resolution of the two Houses, the proper place to transmit it would be to the Secretary of State; but the communication comes to the Speaker, and, without objection, the Chair will have the communication read, and it will then lie upon the table. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

STATE OF IDAHO, DEPARTMENT OF STATE,  
Boise, Idaho, January 25, 1911.

To the House of Representatives of the United States,  
Washington, D. C.

GENTLEMEN: I inclose herewith a duly certified copy of senate joint resolution No. 1, by Poole, which was introduced and passed by the eleventh session of the Legislature of the State of Idaho.

Very respectfully,  
W. L. GIFFORD, Secretary of State.  
By B. E. HYATT, Chief Clerk.

### Senate joint resolution No. 1.

A joint resolution ratifying the sixteenth amendment to the Constitution of the United States of America.

Whereas both Houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census of enumeration." Therefore be it

Resolved by the Legislature of the State of Idaho:  
SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Idaho.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the President of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the United States House of Representatives.

The within senate joint resolution No. 1 passed the senate on the 19th day of January, 1911.

L. H. SWEETSER,  
President of the Senate.

The within senate joint resolution No. 1 passed the house of representatives on the 20th day of January, 1911.

CHARLES D. STOREY,  
Speaker of the House of Representatives.

I hereby certify that the within senate joint resolution No. 1 originated in the senate during the eleventh session of the Legislature of the State of Idaho.

CHAS. W. DEMPSTER,  
Secretary of the Senate.

STATE OF IDAHO,  
DEPARTMENT OF STATE.

I, W. L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint resolution No. 1, by Poole, a joint resolution ratifying the sixteenth amendment to the Constitution of the United States of America.

Passed the senate January 19, 1911.

Passed the house January 20, 1911.

Which was filed in this office the 23d day of January, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 24th day of January, A. D. 1911.

W. L. GIFFORD, Secretary of State.

#### DAM ACROSS CHOCTAWHATCHEE RIVER, ALA.

The SPEAKER laid before the House the bill (S. 10324) extending the provisions of the act approved March 10, 1908, entitled "An act authorizing A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala."

The Clerk read as follows:

*Be it enacted, etc.*, That the time for completing the construction of the dam authorized by the act entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala." approved March 10, 1908, is hereby extended to one year from and after the passage of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was read a third time and passed.

Two similar bills upon the House Calendar, H. R. 31929 and H. R. 15429, were ordered laid on the table.

#### DAM ACROSS THE ST. JOSEPH RIVER, MICH.

The SPEAKER also laid before the House the bill (S. 10288) entitled "A bill granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich."

The Clerk read as follows:

*Be it enacted, etc.*, That Herman L. Hartenstein, a citizen of the State of Michigan, his heirs and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the St. Joseph River, at a point suitable to the interests of navigation within 1 mile up the stream from the highway bridge, at the village of Mottville, St. Joseph County, in the State of Michigan, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 3. That the act entitled "An act to authorize Herman L. Hartenstein to construct a dam across the St. Joseph River near the village of Mottville, St. Joseph County, Mich.," approved March 2, 1907, is hereby repealed.

The bill was ordered to be read a third time, was read the third time, and passed.

Two similar bills, H. R. 26580 and H. R. 31930, were ordered laid on the table.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 31596, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. GAINES in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### BUREAU OF ANIMAL INDUSTRY.

Salaries, Bureau of Animal Industry: One chief of bureau, \$5,000; 1 chief clerk, \$2,500; 1 editor and compiler, \$2,250; 6 clerks, class 4; 1 clerk, \$1,680; 12 clerks, class 3; 1 clerk, \$1,500; 22 clerks, class 2; 2 clerks, at \$1,380 each; 2 clerks, at \$1,320 each; 1 clerk, \$1,300; 1 clerk, \$1,260; 36 clerks, class 1; 1 clerk, \$1,100; 1 clerk, \$1,080; 43 clerks, at \$1,000 each; 2 clerks, at \$960 each; 43 clerks, at \$900 each; 19 clerks, at \$840 each; 7 clerks, at \$720 each; 1 clerk, \$700; 1 architect, \$2,000; 1 architect, \$900; 1 illustrator, \$1,400; 1 assistant at experiment station, \$1,400; 4 inspector's assistants, at \$1,000 each; 12 inspector's assistants, at \$840 each; 1 laboratory assistant, \$900; 1 laboratory helper, \$1,020; 2 laboratory helpers, at \$840 each; 1 laboratory helper, \$720; 1 instrument maker, \$1,200; 1 carpenter, \$1,100; 2 carpenters, at \$1,000 each; 1 painter, \$600; 1 messenger and custodian, \$1,200; 1 messenger and custodian, \$1,000; 9 messengers or laborers, at \$840 each; 10 messengers or laborers, at \$720 each; 23 messengers, messenger boys, or laborers, at \$480 each; 6 messengers or messenger boys, at \$360 each; 1 skilled laborer, \$1,000; 33 skilled

laborers, at \$900 each; 2 skilled laborers, at \$840 each; 7 skilled laborers, at \$720 each; 1 laborer, \$780; 2 laborers, at \$660 each; 9 laborers, at \$600 each; 3 laborers, at \$540 each; 1 watchman, \$720; 1 charwoman, \$600; 1 charwoman, \$540; 11 charwomen, at \$480 each; 4 charwomen, at \$360 each; 1 charwoman, \$300; 2 charwomen, at \$240 each; in all, \$347,450.

Mr. MACON. Mr. Chairman, I make a point of order against the language to be found on page 9, line 5, "one chief clerk, \$2,500," the present salary being \$2,000; and on line 6, same page, "one editor and compiler, \$2,500," his present salary being \$2,000. They are both increases in salary.

Mr. SCOTT. Does the gentleman make his point of order or reserve it?

Mr. MACON. I make a point of order upon both increases.

Mr. SCOTT. Will the gentleman reserve the point of order until I have an opportunity to ask him a few questions?

Mr. MANN. There is no increase in the salary of the chief clerk.

Mr. MACON. It says, "one chief clerk, \$2,500," and the present salary is \$2,000.

Mr. SCOTT. Will the gentleman from Arkansas [Mr. MACON] reserve his point of order and allow me to ask him a few questions?

Mr. MACON. Yes. My only purpose in making points of order outright as we proceed with the bill will be to save time, that is all; but I will be glad to reserve the point of order in this instance, if the gentleman cares to be heard upon the matter.

Mr. SCOTT. I think perhaps if the gentleman will be kind enough to answer as briefly as he feels he may some questions that I wish to ask him, we may save time in the further consideration of the bill. I should like to ask, in the first place, if he knows personally the persons occupying the positions whose promotions he has challenged.

Mr. MACON. I do not.

Mr. SCOTT. Has the gentleman made any inquiry of the chief of the bureau or of any other person as to the character of the duties these persons are performing, and the manner in which they are rendering that service?

Mr. MACON. I have not.

Mr. SCOTT. Has he made any effort to compare the salaries, which are recommended in this bill for these persons with the salaries paid to those engaged in similar service in other branches of the Government?

Mr. MACON. I have not, sir; but it is my judgment that the salaries paid by the Government are as liberal now as those paid the average man outside of the Government, I do not care in what capacity they are performing service.

Mr. SCOTT. The gentleman's answers would seem to leave us no other conclusion—

The CHAIRMAN. Is the gentleman from Kansas addressing himself to the point of order?

Mr. SCOTT. I am proceeding under a reservation of the point of order, with the idea that a short colloquy now may save time hereafter. The answers which the gentleman has made to the questions I have asked would seem to indicate that he had made no special inquiry or investigation to advise himself as to the propriety of these promotions, and I should like to ask him if he feels that his instinct, or his extemporaneous judgment, is entitled to more weight than the recommendation of the chief of the bureau, than the recommendation of the Secretary of Agriculture, than the approval of the President of the United States, and than the recommendation of the Committee on Agriculture, which, after carefully inquiring into these matters, has made a unanimous report recommending these promotions.

Mr. MACON. Mr. Chairman, in response to what the gentleman has said, I want to be frank in this matter, as I try to be in everything else; and I therefore say to him frankly that it is my sincere judgment that if Members of Congress were to sit quietly by and allow every increase of every salary that might be recommended by the head of a department or the head of a bureau, it would not be long until it would require billions to pay the salaries of the officials of the Government.

Mr. SCOTT. The gentleman did not include in his remarks the recommendations of the committee, which realizes its responsibility quite as fully as the gentleman does his.

Mr. MACON. I do not mean to reflect upon this committee, but I want to say that in my judgment every member of nearly every committee in this House that makes appropriations has some pet somewhere in some of these departments that he is willing to see the salary of increased, and in order to get it increased he is willing to have others increased to correspond with it.

Mr. SCOTT. The gentleman has made points of order against similar recommendations in many previous bills coming from the Committee on Agriculture. I presume he has believed



that in doing so he was saving money to the Government, and has perhaps congratulated himself upon that fact.

Mr. MACON. I have congratulated myself upon nothing. I have simply tried to do my duty as I have seen it, in a conscientious way.

Mr. SCOTT. Has the gentleman been of the opinion that the points of order he has raised against this bill in preceding years have resulted in holding the salaries at the point at which they were?

Mr. MACON. If I have done so, it was because I thought they were high enough to start with, and have felt and feel now that my work, if I have been able to keep them down, has been meritorious to that extent.

Mr. SCOTT. The gentleman does not quite understand my question. I fear, and to make it plain to him I will make this statement: In every case, so far as I now know, in which a recommendation of promotion in the salaries carried in this bill has been defeated by a point of order, the Senate has restored the salary, the conferees on the part of the House have agreed to the amendment, and the gentleman in voting for the conference report has voted for the very salaries against whose increase he has raised the points of order, and I wondered if he knew that such was the fact.

Mr. MACON. I do not think that is a fact, but if it is it would not jostle me one iota. I am not responsible for the action of the Senate, which seems to have no regard for economy. I am not responsible for the action of the conferees or committees, composed of men who are insisting at every session of Congress that salaries ought to be increased, when, in my opinion, the officials are being paid sufficient salaries now.

Mr. SHACKLEFORD. Before the gentleman gets away from that I would like to ask a question.

Mr. SCOTT. I can not yield now. I would like to ask the gentleman from Arkansas—and he will realize that I am doing this in good faith and in absolute deference to his rights—if he does not believe that, instead of taking advantage of points of order by which, arbitrarily, he has been able to defeat the recommendation of the committee, and perhaps to defeat the will of the House, he should put the question squarely up to the House through the means of a motion that the salary be reduced. In that way the House could pass on it, and if the House has once passed on a question of this kind on its merits, I assure him that the conferees would feel that they were obliged to maintain the judgment of the House.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. MACON. I can not yield just now. I want to say that when I first came to Congress I was simple enough to take the gentleman's view of it. [Laughter.]

Mr. SCOTT. I appreciate the compliment.

Mr. MACON. But I soon discovered it was impossible, on a motion, to defeat any proposition that was attempted to be put through this House where it was extending the arm of anybody into the Treasury.

Mr. SCOTT. That is to say, having discovered that on the merits of the question the House would not sustain him, the gentleman now takes the position that he will not give the House an opportunity to express its will.

Mr. MACON. I quit that simple act of asking the House to stand with me on a proposition of that kind some years ago, and have since relied upon my rights under the rules of the House to exercise the privilege accorded to me thereunder as a Representative of one of the districts of this Union. And I expect to continue doing that as long as I am able to stand on my feet and look Members in the eye and make points of order.

Mr. SCOTT. And in doing so the gentleman sets up his individual will against the judgment of the House. Mr. Chairman, I shall not ask the gentleman from Arkansas further to withhold his point of order.

Mr. BARTLETT of Georgia. Will the gentleman from Arkansas yield to me for a question?

Mr. MACON. I will.

Mr. BARTLETT of Georgia. Does not the gentleman from Arkansas think that the Committee on Agriculture and other committees that are desirous of raising the salaries ought to give the House an opportunity to vote on the proposition of raising salaries and wages of people who work for \$600 and \$700 and \$1,000 a year instead of confining their efforts to those who get \$2,000, \$2,500, and \$4,000 a year?

Mr. MACON. I agree with the gentleman from Georgia.

The CHAIRMAN. Does the gentleman from Arkansas insist on his point of order?

Mr. MACON. I reserve the point of order, and yield to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, I want to ask the gentleman from Arkansas whether he thinks it is in accordance

with propriety that the gentleman from Kansas, one of the conferees on this bill, should stand here and boast that appropriations that are knocked out in the House, in accordance with the rules of the House, should be put back by the House conferees at the instigation of the Senate? Whether the gentleman from Arkansas does not think it would be more in accordance with the duty of the House conferees if they insisted on keeping the bill as it is when it goes from the House, rather than to aid the Senate in putting back things that were knocked out by the House and then boasting how the conferees have thrown down the House?

Mr. SCOTT. Mr. Chairman, if I may assume that the gentleman from Arkansas does not care to express an opinion as to the propriety of a course of conduct pursued by one of his colleagues, I should be glad to answer the question of the gentleman from Missouri. It has always been the feeling of the conferees of the House that if any provision in the appropriation bill as it was brought to the House had been stricken out by a point of order and the Senate had restored it, then the House should yield, for the reason that the amendment of the Senate represented the judgment of the House committee and the judgment of the Senate, while the judgment of the House had not been taken upon it. That is the reason I made the suggestion to the gentleman from Arkansas that he submit these questions to the judgment of the House, and assured him that if he did so, and the House sustained the position taken by him, the conferees would feel under obligation to oppose any amendment in contravention thereof which might be made by the Senate.

Mr. SHACKLEFORD. Mr. Chairman, I would like to ask the gentleman from Kansas [Mr. SCOTT] if these raises in salaries are necessary, if these promotions in the service are necessary, why does not the gentleman's committee report a bill providing for that specific purpose and let it be fought out on the floor, rather than to put through an amendment in violation of the rules of the House and subject to the point of order? Why does he bring a proposition here that he knows is subject to the point of order when there is the other method by which he could bring it here for fair discussion and consideration?

Mr. SCOTT. It certainly is within the province of any conference committee to reach an agreement with a similar committee appointed by the Senate, and when that agreement is reached it is reported to the House. He knows it would be utterly impracticable to bring the matter in the way suggested.

Now, Mr. Chairman, just one word in defense of the Committee on Agriculture touching these recommendations, and to show that the committee has not been over liberal in its recommendations in the past. I wish to call the attention of the House to the fact that during the past two years there were 1,158 resignations from the force of employees in the Department of Agriculture, and in all but a very few cases the resignations were tendered because the salaries paid were less than could be earned in outside employment.

Mr. MACON. What salaries were they receiving?

Mr. SCOTT. They ranged all the way from \$720 to \$4,000. Men left the Department of Agriculture this year to whom we were paying \$3,000 to go into private employment at a salary of \$12,000. One man has left the department whom we were paying \$3,000 who is now getting \$33,000 a year.

Mr. MACON. Does the gentleman think that act would justify an increase in the salaries of Government employees to \$33,000?

Mr. SCOTT. No; I do not. I merely mention that to show that the salaries which we are paying are not extravagant and that no recommendation has been made in this bill which ought not to be allowed.

Mr. SIMS. Mr. Chairman—

The CHAIRMAN. The Chair thought that by indulging debate possibly a method of furthering the consideration of this bill might be reached, but it seems that a point of order lies—

Mr. SIMS. If the Chair will permit the interruption, I think the Chair is right about that, as he will find out by further indulgence.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SIMS. Mr. Chairman, I want to say a few words here, which I think are due in justice to the gentleman from Kansas, and to any other chairman of an appropriation committee, or any member of an appropriation committee. I am not speaking now with reference to the merits of this amendment. I do not know whether this increase ought to be made or not, but I am willing to allow the membership of this House to say whether the salary ought to be increased or not. I do not understand

that a provision put in an appropriation bill, which is subject to the point of order, is a violation of the rules of the House per se. There are rules which any Member may invoke, and, like this, the point of order takes the item out, but it is the action of the Member voluntarily entered upon and not the action of the House and not a violation of the rules, because, if the rule is not invoked, it is perfectly valid. Of course, these general rules are made for the benefit of the House as a whole, and I do not see one particle of practical common sense in objecting to legislation on an appropriation bill that is proper if the House is in favor of it simply because you can do it, and, as the gentleman from Kansas says, there has been no judgment on the merits of the proposition by a vote or a consideration by the House, and when it goes over to the other body and they put it in on its merits and it comes back here, no point of order lies to it and we turn around and vote for it and thus condemn the use of the rule which we have invoked.

Mr. MACON. Mr. Chairman, right here I desire to ask the gentleman if he means to impugn my motives in this matter.

Mr. SIMS. I said that I knew nothing about the merits of this amendment. I did not even know who had made the point of order.

Mr. MACON. Does the gentleman mean to say I made the point simply because I could do so?

Mr. SIMS. I am impugning nobody's motives, and I am not criticizing this item. But I do not think that these rules are so holy and so sacred that justice must go down in favor of the rules, or, in other words, not have its opportunity or its day in court, simply because it is possible to make the point of order and then for a chairman of a committee to be criticized for attempting to do that which he has every reason to believe ought to be done, and probably would be done if the House had an opportunity to act.

Mr. BARTLETT of Georgia. Do I understand the gentleman to say he is in favor of increasing this salary?

Mr. SIMS. I have said that I do not know anything in regard to this item. I did not know what it was.

Mr. BARTLETT of Georgia. What would become of the Treasury of the United States if the House supinely submitted to appropriations put upon these bills by the Senate or over in the Senate.

Mr. SIMS. If the House acts, I submit and bow to the will of the House, but when you make a point of order which prevents the House from considering a matter, and then it is considered in the Senate and put on, and it comes back here and the House votes for it, in the end is not the House responsible for it as a coordinate branch of the legislative body?

Mr. BARTLETT of Georgia. Does not the gentleman know every time they ask for a conference upon these appropriations Members whose attention is attracted to amendments insist that the conferees shall permit them to vote upon them before agreeing to it?

Mr. SIMS. Oh, they do; but I will tell the gentleman what we have seen done, and I know the gentleman from Georgia has seen. I have seen amendments stricken out in this House on points of order, go to the Senate and be put in, and come back, and a motion made and passed to concur on these very identical amendments.

Mr. BARTLETT of Georgia. Does the gentleman think that because the Senate does wrong we are not permitted to do right, but we should also do wrong?

Mr. SIMS. I say that we ought to exercise some intelligence in this matter and some patriotism. As I said once before in a colloquy with the distinguished gentleman from Illinois [Mr. MANN], this rule is a loaded gun, but it will not shoot of itself; somebody has got to shoot the gun, and a child can shoot a loaded gun even with as much or more destruction than an expert marksman [laughter], but not with the judgment of the adult. We should not use these guns, called the rules, like a child would firearms, simply to kill, whether the thing killed ought to die or not.

Mr. MORSE. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. MACON] insist on his point of order?

Mr. MACON. I do; most emphatically, sir.

The CHAIRMAN. The Chair will ask the chairman of the Committee on Agriculture what the salary was in the current bill.

Mr. SCOTT. The salary in the existing law for the chief clerk is \$2,000. I concede the point of order, of course, and if the Chair will rule on that I will offer an amendment.

The CHAIRMAN. The Chair sustains the point of order as to that.

Mr. SCOTT. I offer an amendment, Mr. Chairman. In lines 5 and 6, page 9, insert "\$2,000" in lieu of the language stricken out by the point of order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 5, after the word "clerk," insert "\$2,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. I ask for recognition. Mr. Chairman, I think no one criticizes the chairman of the Committee on Agriculture or the Committee on Agriculture for reporting the bill with an increase of salary. If the gentleman from Tennessee [Mr. SIMS], or anyone else in the House, desires to change the rule to make those items in order, it would be perfectly proper for the next House, where the responsibility goes to that side of the House, to change the rule and eliminate the right of any Member of the House to make a point of order on any legislation in an appropriation bill.

I would like to know whether the gentleman from Tennessee [Mr. SIMS], or any other Member on that side of the House, desires to change that rule. I do not think that anyone would seriously propose it. As long as the rule remains in force no one has the right to criticize the gentleman from Arkansas [Mr. MACON], or any other Member of the House, for invoking the rule. The committee has the right to present the bill. No one criticizes the committee for doing that. Any Member on the floor, as long as the rule remains in force, has the right to object, and he ought not to be criticized for that.

Mr. MONDELL. Mr. Chairman, I do not think that in the consideration of this matter anyone ought to be criticized, either the committee or the chairman of the committee that presented the amendment, or the gentleman who makes the point of order. But it does seem to me that the making of a point of order in cases of this kind, without regard to the merits of the case, is not the wisest sort of legislation. The only way in which salaries can be adjusted from time to time, except by a special bill, the reporting and passage of which is practically impossible under the rules of the House, is by making the increases and adjustments in appropriation bills. The committee having charge of appropriations for the Department of Agriculture is unquestionably well qualified to judge as to the justice, propriety, and equity of the changes they propose, and if the amendment proposing an increase is presented to the House with a frank statement that it is an increase subject to a point of order, the matter is placed squarely before the judgment of the House.

Now, if the point of order is invoked, as the gentleman from Tennessee [Mr. SIMS] has just stated, it results in this condition of affairs: The item goes out, it goes to the Senate, the Senate considers it on its merits, and inserts the item; it comes back to the House, and the House has its hands tied and never can consider the matter on its merits. It must accept it, whether it be good or bad, because to reject it means to reject the entire bill. So in these matters, which the committee has reported, the House has no opportunity to decide on their merits. I am not criticizing the making of points of order; I simply suggest we should consider these matters on their merits. They are not brought here without being brought to the attention of the House, as attention is invited to them in the report. Let us consider them on their merits, and if they are not meritorious, if they are unreasonable increases, then let us vote them out, and, having voted them out, let us stand by our action, no matter what the Senate does. But if we, without consideration, simply strike the item out and the Senate puts it back in, and it comes to the House, the average Member has no means of knowing whether the increase is a proper and legitimate one or not. It seems to me that this is a very excellent way to legislate. I can imagine none better than to have a committee on appropriations on its responsibility examine these things and frankly present them to the House so that nothing is hidden, and then have the House pass on the merits of the matter. The House is intelligent enough, and reasonable enough, and just enough to vote the increase down if it is not justified.

It seems to me that we ought to examine these matters on their merits, and not strike them out on points of order.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. MADDEN. I move to strike out the last word.

Mr. STANLEY. Mr. Chairman—

The CHAIRMAN. The Chair will say to the committee that he has already listened to a great deal of debate that was not germane to the amendment. The gentleman from Illinois [Mr. MADDEN] moves to strike out the last word.

Mr. SCOTT. Mr. Chairman, just one moment.



The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. MADDEN. I simply rise to ask the gentleman from Kansas a question. I notice this paragraph of the bill involves an increase of \$231,531 more than is provided in the bill of last year, and I wish to ask the chairman of the committee whether this is because of an increase in the force, or whether it is a consolidation of places that were formerly provided for in the department, and whether this consolidation is in conformity with a plan for giving more definite form to the expenditures of the department than has heretofore prevailed.

Mr. SCOTT. The large increase in the total appropriation for this paragraph is due to the carrying into effect to an extent—and I shall refer later to the limitation upon it—of a paragraph in the current law inserted as an amendment in the House, which reads as follows:

The Secretary of Agriculture for the fiscal year 1912, and annually thereafter, shall transmit to the Secretary of the Treasury, for submission to Congress in the Book of Estimates, detailed estimates for all executive officers, clerks, and employees below the grade of clerks, indicating the salary or compensation of each, etc.

It thus became the duty of the Secretary of Agriculture, under the law, to place upon the statutory roll all the employees of his department heretofore paid under the lump sums.

In pursuance of that duty, as the estimates were first made up, they transferred from the Meat Inspection Service all executive assistants, clerks, and employees below the grade of clerks, who had hitherto been paid under the permanent appropriation of \$3,000,000. The amount of salaries involved in that transfer was about \$700,000. When the estimates went to the President he struck out about \$400,000 from those estimates, expressing the opinion that so large an increase could not be authorized. The estimates then came to the Committee on Agriculture with all of the clerks transferred from the Meat Inspection Service and about one-half of the inspectors and inspectors' assistants, leaving the other half of that force to be paid still under the lump sum. But even with such a transfer there was involved an increase of about \$300,000 in the appropriation available to pay the expenses of the Meat Inspection Service. The Committee on Agriculture believed that that was a greater increase than the needs of the service required. We did believe that there should be some increase, and it occurred to the committee that it would be a logical and reasonable settlement of the question to transfer to the statutory roll all the clerks and employees except those engaged in a semiscientific way in the Meat Inspection Service, and therefore we have transferred to the statutory roll clerks and others the aggregate of whose salaries is about \$155,000, and to that extent we have increased the permanent appropriation for the Meat Inspection Service.

Mr. MADDEN. The amount of this \$231,000 is eliminated from the bill in some other place, is it?

Mr. SCOTT. The sum of \$77,000 is eliminated from the bill.

Mr. MADDEN. So that there is an increase of about \$155,000?

Mr. SCOTT. There is an actual increase of \$155,380.

Mr. MADDEN. What necessity exists for that increase, will the gentleman be kind enough to state?

Mr. SCOTT. The demand for additional inspection service has enormously increased in the past few years.

Mr. MADDEN. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. MADDEN. Does the demand for additional inspection go to slaughterhouses known as rural houses—to houses not engaged in the general business of transporting meat in interstate commerce?

Mr. SCOTT. I may say, using my best recollection, that there is inspection now in about 237 cities and towns, as against 50 cities and towns four years ago. There is inspection in 900 establishments now, as against 150 establishments then. For two or three years the department has been asking for an increase in the permanent appropriation.

Mr. MADDEN. Let me ask one more question. How does the number of houses in which inspection prevails this year compare with the number of houses in which inspection was had under last year's appropriation?

Mr. SCOTT. I am not able to answer that question.

Mr. LAMB. There has been no increase for two years.

Mr. SCOTT. There has been no increase in the appropriation for two years, but the gentleman from Illinois is asking about the number of houses in which inspection is had. The chief of the bureau has told us that he was not able, with the funds he had at his disposal, to inspect all the houses and establishments entitled to receive it.

Mr. MADDEN. Does the inspection go to any house except houses doing an interstate-commerce business?

Mr. SCOTT. To none whatever.

Mr. MADDEN. Has the Committee on Agriculture or has the Secretary of Agriculture ever given any consideration to the necessity for inspection of houses not doing an interstate-commerce business, and have we any jurisdiction over them?

Mr. SCOTT. The opinion of the Committee on Agriculture, and I think of the chief of the bureau and of the Secretary of Agriculture, is that the United States would have no authority to extend inspection to establishments which are not doing an interstate business.

Mr. MADDEN. Does the chairman of the Committee on Agriculture give it as his judgment and the judgment of his committee that there is a sufficiently large increase in volume of business in the packing houses to require an expenditure of \$155,000 beyond that of last year?

Mr. SCOTT. It is the judgment of the committee, without question, that such is the case. When the gentleman from Illinois remembers that in 1906 inspection was given to but 150 establishments, and that we used then within a few hundred thousand dollars of the total appropriation, he will agree that with three times the amount of inspection we are now entitled to a small increase.

Mr. MADDEN. I wish to say to the gentleman and to the House that I am anxious for the most rigid inspection in the most comprehensive way, but I was wondering whether we had all the inspection that should be had.

Mr. SCOTT. We think we have provided, if this appropriation is authorized, for sufficient inspection to enforce the law.

[Mr. STANLEY addressed the committee. See Appendix.]

Mr. MANN. Let us have a vote on the amendment, and then you can get the floor.

The CHAIRMAN. The Chair would first state the situation. He understood the point of order of the gentleman from Arkansas to be against the words "five hundred," and the Chair sustained that point of order. If that is correct, there is no amendment necessary.

Mr. SCOTT. The Chair is quite right. In order that we may clear up this paragraph, would the gentleman from Arkansas allow the whole matter to be passed on by the Chair; that is, what was involved in the second point of order?

Mr. MACON. The second point of order was to "one editor and compiler, \$2,250."

The CHAIRMAN. The point of order is against what language?

Mr. MACON. The words "two hundred and fifty."

The CHAIRMAN. The Chair will sustain the point of order.

Mr. BARTLETT of Georgia. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BARTLETT of Georgia. Has the Chair decided the point of order?

The CHAIRMAN. The points of order made by the gentleman were both sustained. The gentleman from Texas [Mr. BURLESON] offered an amendment which he sent to the Clerk's desk.

Mr. BURLESON. We have not reached the place in the bill for offering it yet.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will say that he does not know where the gentleman from Texas proposes to offer his amendment nor does the Clerk.

Mr. BURLESON. The amendment is to come in line 9, page 13.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to inquire of the gentleman from Kansas in regard to this matter. I notice the appropriation under this paragraph has been increased something over \$200,000 in the placing of employees upon the statutory roll who are now paid out of the lump sum. How much of an actual increase is contemplated by that in the Bureau of Animal Industry?

Mr. SCOTT. The actual increase, due to the transfer to the statutory roll of employees whose salaries aggregate \$31,530, is \$155,380, and that sum is, in effect, added to the permanent appropriation of \$3,000,000 for the Meat Inspection Service, for the reason that the employees whose salaries aggregate that amount and who have heretofore been paid from that appropriation now go onto the statutory roll.

Mr. MANN. The \$3,000,000 permanent appropriation contemplated that should cover all the expense?

Mr. SCOTT. Undoubtedly.

Mr. MANN. The gentleman, I think, has not yet answered the question which I asked. How much does this transfer to the statutory roll actually increase, itself, the appropriation for the Bureau of Animal Industry? What reduction and what increase, and what is the final result?

Mr. SCOTT. There are upon this statutory roll transfers of salaries aggregating \$77,000 that were heretofore paid out of lump sums appropriated for the use of the Bureau of Animal Industry, but that amount has been deducted from the appropriations for the bureau under the various lump sums, so that it does not mean an actual increase in the total appropriation for the bureau to that amount.

Mr. MANN. Just exactly that amount?

Mr. SCOTT. Just exactly that amount.

Mr. MANN. Now, what is the policy about these lump-sum appropriations and the statutory roll? Is it the theory, under the lump-sum appropriation, that the department goes ahead and employs a lot of persons who are afterwards to be transferred to the statutory roll, and thereby, in effect, increase the expenditure without Congress being really able to locate it?

Mr. SCOTT. Acting under a request made by the Committee on Agriculture several years ago, the Secretary of Agriculture places each year in the estimates under the statutory roll, wherein they properly belong, the places which he believes are permanent, that have been created during the fiscal year, and theretofore paid under the lump-sum appropriation; so that appointments could not be made for longer than a year without being brought to the attention of the committee.

Mr. MANN. The lump-sum appropriation is not decreased to the extent, as I understood the gentleman to say a moment ago, of some \$77,000. Last year the lump-sum appropriation was \$623,000; this year it is \$92,700. I have no objection whatever to the proper increase in the expenditures in the Bureau of Animal Industry, and I apprehend it is necessary to make an increase from year to year.

Mr. SCOTT. There were increases, of course, authorized by the committee in various paragraphs of the miscellaneous expenses of the bureau, but the transfers which have been made to the lump fund were taken into account in every instance.

Mr. MANN. Have there been any transfers to the statutory roll because of any rulings of the comptroller?

Mr. SCOTT. No. The only transfers that have been made this year, which would not have been made in ordinary course, were made in compliance with the provision of the law last year which I read in the colloquy with the gentleman's colleague a moment ago.

Mr. FITZGERALD. The fact is that instead of this appropriation being reduced it must be increased, first, by the amount of the transfers to the statutory roll and an additional amount appropriated equal to the number of positions which are taken from the permanent appropriation. Is not that so?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. FITZGERALD. There are transferred to the statutory roll \$155,000 worth of employees?

Mr. SCOTT. That have heretofore been paid under the permanent meat-inspection appropriation.

Mr. FITZGERALD. That results in an increase in the appropriation of practically \$310,000?

Mr. SCOTT. I hardly follow the gentleman in his arithmetic.

Mr. FITZGERALD. One hundred and fifty-five thousand, and then there is transferred from the lump-sum appropriation \$77,000. The combination of those two figures makes up some new items amounting to \$254,000 in the total for the bureau?

Mr. SCOTT. The total increase for the bureau is \$254,290. One hundred and fifty-five thousand dollars of that is, in effect, an increase of the permanent appropriation for the meat inspection, and the remainder of it is an increase for the various lines of work followed by the bureau.

Mr. MANN. Sixty-five thousand dollars of it is for quarantine stations, is it not?

Mr. SCOTT. That is a new item we have asked for. That is included in the increase.

The Clerk read as follows:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the alteration of buildings thereon, the inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals, \$592,700.

Mr. BURLESON. Mr. Chairman, I offer an amendment to come in in line 9, page 13.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 9, page 13, the following:

"The act of August 30, 1890, is hereby amended so as to authorize the Secretary of Agriculture, within his discretion, and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission of tick-infested cattle from Mexico into that part of Texas below the southern cattle quarantine line."

Mr. SCOTT. I make a point of order against that.

Mr. BURLESON. I ask the gentleman to reserve it for a moment.

Mr. SCOTT. I will reserve the point of order if the gentleman from Texas wishes to be heard.

Mr. BURLESON. Mr. Chairman, the boundary between Mexico and Texas is the Rio Grande. Adjacent to this river upon either side, from a few miles below the city of Juarez, in Mexico, to the town of Matamoras, near the mouth of the river, and from the southern quarantine line in Texas, a few miles below El Paso, to within a few miles above the city of Brownsville, are the homes of a large number of small stock farmers and ranchmen. The Rio Grande is the drinking place for their stock cattle. Especially is this true during the summer months, when it is practically their only drinking place, and frequently, because of the fact that during the summer time this river is very low, the cattle from Mexico will wander across it into Texas. The cattle in Texas will likewise cross the river into Mexico. In the case of the Mexican cattle the owner suffers no loss, because he is permitted to enter Texas, gather his cattle so crossing, and recross with them to his ranch in Mexico. In the case of the Texas ranchman, because of the language of the act of 1890, which I seek to amend, he is not permitted to bring his cattle which have crossed the Rio Grande from Mexico to his ranch in Texas, because they are infested with ticks. It is true they had these ticks before they crossed the river, but notwithstanding this fact and the further fact that on both sides of the river the cattle are tick infested they are not permitted to be recrossed into Texas.

This frequently results in such a loss to the small stock farmer or ranchman in Texas that it completely wipes out his profits for the entire year.

Mr. Chairman, in addition to this condition, I will further state that there are a number of American citizens who own ranches below the quarantine line, or within the tick region, in Mexico, and during the period of a protracted drought these American ranchmen suffer great loss, because they can not on account of this law bring their cattle from Mexico into Texas for the purpose of pasturage.

I am sure no injury to our cattle interest can result from the amendment of this law in accordance with the suggestions which I have embodied in the amendment I offer. These Americans in Mexico frequently desire to furnish young beef cattle to ranchmen in Texas. What harm can result if these cattle are brought from the tick-infested region in Mexico to within the tick-infested region of Texas? This amendment was submitted to the Solicitor of the Agricultural Department and its text was approved by him. I consulted with the Chief of the Bureau of Animal Industry, and he says that he can thoroughly protect the interests of our own cattle raisers if this amendment should become law.

Mr. SCOTT. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. SCOTT. Can the gentleman state whether it would mean a necessary increase in appropriations or involve an additional expense?

Mr. BURLESON. If adopted it will not involve a dollar by way of increased appropriation. The result sought to be accomplished by the amendment is to afford protection to cattle ranchmen in Texas whose properties are adjacent to the Rio Grande from loss occasioned by their inability to bring their cattle from the Mexican side when they cross the river, as I have described, and to enable Americans engaged in business in Mexico as cattle growers to bring their cattle into the tick-infested region in Texas. This can do no harm, as these cattle from Mexico carry no more ticks than the cattle in Texas below the southern quarantine line.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. MANN. The act of 1890, to which the gentleman refers without naming the title, simply prohibits the importation of tick-infested cattle.

Mr. BURLESON. Or cattle affected with disease of any character. It is not confined by its terms to tick-infested cattle alone.

Mr. MANN. It prohibits their importation.

Mr. BURLESON. So the authorities in the Agricultural Department hold, and I will say, in my opinion, properly hold.



Mr. MANN. Of course these cattle would still be subject to quarantine regulations.

Mr. BURLESON. Undoubtedly; the regulations of both State and Federal Governments.

Mr. MANN. As to anything except the tick-infested cattle?

Mr. BURLESON. Undoubtedly.

Mr. MANN. All the gentleman wants to accomplish, as I understand, is to let cattle come in which are infested with the tick into another tick-infested country.

Mr. BURLESON. From tick-infested Mexico into tick-infested Texas.

Mr. MANN. The department would still have authority to keep tick-infested cattle from coming into any region in Texas which is not tick infested?

Mr. BURLESON. Certainly; the amendment permits the admission of cattle from Mexico into that part of Texas below the tick line.

When the cattle are admitted into Texas they immediately pass under the control of the State and Federal quarantine authorities, and both the State and General Governments have proper regulations and rules not only to protect the cattle interest in Texas but the cattle interest elsewhere in our country.

Mr. STEPHENS of Texas. Would this apply to the line between New Mexico and Arizona and old Mexico?

Mr. BURLESON. No; it permits the importation of cattle from Mexico across the Rio Grande into Texas below the southern quarantine line.

Mr. STEPHENS of Texas. Does not the gentleman think it ought to apply to that?

Mr. BURLESON. I would have no objection, and it would doubtless be desirable, but this particular amendment was submitted to the Solicitor of the Agricultural Department and met with his approval, and I hope no effort will be made to amend it.

Mr. STEPHENS of Texas. I want to say that I am in favor of it.

Mr. MANN. Let me ask the gentleman from Texas, Would he take off the tariff on cattle?

Mr. BURLESON. I would be glad of an opportunity to do so. I would vote for free cattle to-morrow. [Applause.] I favor reciprocity with Mexico as well as with Canada.

Mr. MADDEN. What is the purpose of the gentleman's amendment? Why does he want to take the cattle from Mexico into Texas?

Mr. BURLESON. Because the tick-infested cattle in Mexico frequently wander from the Texas range across the Rio Grande, and then again the American ranchmen living below the quarantine line in Mexico or within the tick-infested regions desire to bring their cattle within the tick-infested region of Texas, and they have frequently sustained great loss because they could not bring their cattle into the Texas tick-infested region, where pasturage could be secured. There is no possible hurt that can come to the Texas cattle grower by reason of this amendment, and I do hope that the gentleman from Kansas will not insist upon the point of order.

Mr. SCOTT. Mr. Chairman, of course the amendment offered by the gentleman from Texas is clearly obnoxious to the rule, but the statement he has made makes it so clear that legislation is needed and will be beneficial to many American citizens that I shall not press the objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I wish to inquire about the language in lines 11 and 14, on page 12. It seems to me that some limitation should be placed on the power of the department. It authorizes the Secretary to employ and pay from this appropriation herein made as many persons in the city of Washington or elsewhere as he may deem necessary. Is the gentleman able to give any opinion about the number of employees paid out of this appropriation?

Mr. SCOTT. The gentleman will observe that the language in the opening paragraph, on pages 11 and 12, is general in its character, intended to apply to all the paragraphs of the bill, so that a specific answer to this question would mean a review, which I am not able to give at this moment, of all the employees in the different offices in the bureau. It is language which has been in the bill, as the gentleman no doubt remembers, for many years.

Mr. FITZGERALD. It is impossible to tell the cost of maintaining the department at Washington as distinguished from the service outside of Washington?

Mr. SCOTT. It is laid before the committee every year in the estimates, and in that way we are advised, but it is not made a part of the bill.

The Clerk read as follows:

For the purchase of suitable land for animal quarantine stations for the ports of Baltimore, Md., and Boston, Mass., and for the erection thereon of necessary buildings, fences, wharves, piers, and other appurtenances, and for the repair and improvement of existing structures, \$65,000, which sum shall be immediately available.

Mr. MANN. Mr. Chairman, I reserve a point of order, mainly for the purpose of getting some information. Is it estimated that this sum will purchase these sites, so that it will not require additional money hereafter?

Mr. SCOTT. The chief of the bureau assured us that he had investigated the matter, so that he was able to say to the committee that it would not require more than this amount to acquire all three sites.

Mr. MANN. Then it is not a preliminary appropriation?

Mr. SCOTT. No, indeed.

Mr. FITZGERALD. Does it include the cost of the buildings?

Mr. MANN. Yes; it provides for the erection of the necessary buildings.

Mr. MADDEN. And it also includes repairs and improvements of existing structures?

Mr. SCOTT. Yes; it provides for the erection of necessary buildings, fences, wharves, piers, and other appurtenances, and for the repair and improvement of existing structures.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For construction of buildings at bureau experiment station at Bethesda, Md., and bureau experiment farm at Beltsville, Md., \$16,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. It provides for a construction of buildings. Is it designed that this sum of money shall commence and complete construction of buildings that have been estimated for, or is this the beginning of some building that is to be appropriated for hereafter? There is no limitation of cost.

Mr. SCOTT. Mr. Chairman, in order to answer the gentleman's questions fully I will have to recall to his mind the debate of last year, when the word "construction," which was then carried in the two preceding paragraphs—

For the necessary construction and alteration of buildings at Bethesda Md., and the necessary construction and alterations of buildings at the new farm—

was criticized, and it was suggested to the committee that the appropriation for construction ought hereafter to be presented as a separate paragraph.

It seemed to the committee that the criticism was reasonable, and therefore we struck out of the two paragraphs to which I have called attention the word "construction" and put it into a separate paragraph, the intention being to provide merely for current construction that may be necessary in the maintenance of these farms.

Mr. MANN. The purpose of this is not to commence the construction of some buildings that are going to require large sums of money to complete?

Mr. SCOTT. Not at all.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. SCOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read. It is for the purpose of correcting a typographical error.

The Clerk read as follows:

In line 14, page 14, strike out the semicolon after the word "Maryland" and in lieu thereof insert a comma; and in line 15, same page, after the word "thousand" insert the words "five hundred," so that the paragraph as amended shall read:

"For the construction of buildings at bureau experiment station at Bethesda, Md., and bureau experiment farm at Beltsville, Md., \$16,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Cooperative experiments in animal feeding and breeding: For experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including rent, and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, \$50,000.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Page 15, line 4, after the word "elsewhere" insert the words "and for the encouragement of breeding horses suitable for military purposes, and expenses incident thereto," so that the amended section will read:

"For experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including rent, and the employment of labor in the city of Washington and elsewhere, and for the encouragement of breeding horses suitable for military purposes and expenses incident thereto, and all other necessary expenses, \$50,000."

Mr. SCOTT. Mr. Chairman, I reserve the point of order on the amendment.

Mr. MADDEN. Mr. Chairman, I do not know that I care to discuss the point of order, but I think that the experiment sought to be authorized by the amendment suggested is one of the most important pieces of authority that can be granted to the Department of Agriculture, and it seems to me it is germane as a matter of fact to the paragraph to which it is sought to be attached. We give the department the power to experiment in the matter of raising cattle, and we give the department power to experiment in the matter of raising horses, and we have a place selected, and I understand we own the farm where these experiments are made, and the department already has raised horses, and the Government owns horses, and the purpose of the experiment is to establish the fact that we can raise better breeds of horses than exist in the country to-day. The War Department finds great difficulty in getting the kind of horses it ought to have in the service.

Mr. MANN. Will my colleague yield for a question?

Mr. MADDEN. Certainly.

Mr. MANN. Has the gentleman happened to have read the recent report of the Bureau of Animal Industry on this subject?

Mr. MADDEN. I am just going to read a portion of that report now, if my colleague will permit, from the Chief of the Bureau of Animal Industry.

[The time of Mr. MADDEN having expired, by unanimous consent he was granted permission to proceed for five minutes.]

I read from page 14 of the report of the Chief of the Bureau of Animal Industry, 1910:

Although horses are now commanding higher prices than have been known for many years, there is evidently a great shortage in their production. The United States Army has for some years found it difficult to maintain an adequate supply of suitable horses, and it seems that if the efficiency of the Cavalry is to be maintained it will be necessary for the Government to take up some systematic plan to encourage the breeding of horses of a type suitable for Army use.

During the past year the Secretary of War requested the cooperation of the Secretary of Agriculture in evolving some plan for enabling the Army to obtain suitable horses. The Secretary of War pointed out that the supply of horses fit for remounts is becoming more and more limited, and that the present indications are that the country would find it impossible to mount its Army from its own resources in time of war and is rapidly reaching a point where the needed supply of suitable remounts for the present strength of the Army would be extremely difficult to obtain, if obtainable at all. As a result this department designated a representative to join with a representative of the War Department in considering the subject and formulating a plan. The Department of Agriculture was represented by Mr. George M. Rommel, Chief of the Animal Husbandry Division of this bureau, and the War Department by Capt. Casper H. Conrad, jr., Third Cavalry, United States Army, detailed for duty in the Quartermaster General's Department in connection with the purchase of remounts. These gentlemen have outlined a plan for breeding horses for Army use, which plan is presented in the portion of this report dealing with the work of the Animal Husbandry Division. To carry out this plan would require appropriations for the use of this department estimated at \$250,000 for the first year and \$100,000 a year thereafter.

Then, on page 25 of the same report, we have the following:

The question of breeding horses for the United States Army has been discussed briefly in a previous portion of this report. The following discussion, presenting more in detail the difficulty of obtaining suitable horses for Army use, the great need of Government encouragement of breeding such horses, and a definite plan for accomplishing the desired object, is the result of the joint consideration of the subject by representatives of the Department of Agriculture and the War Department at the instance of the Secretary of War. As before stated, the Department of Agriculture was represented by Mr. George M. Rommel, Chief of the Animal Husbandry Division of the Bureau of Animal Industry, and the War Department by Capt. Casper H. Conrad, jr., Third Cavalry, United States Army, detailed for duty in the Quartermaster General's Department in connection with the purchase of remounts. The statement setting forth the reasons why the War Department regards it as imperative for the Government to undertake the work of encouraging the breeding of horses for the Army was prepared by Capt. Conrad, and is inserted here with the consent and approval of the Quartermaster General. The plan for breeding the horses was prepared by Mr. Rommel, with the assistance of Capt. Conrad and other officers of the Army stationed in Washington, and has been formally approved by the War Department.

I wish to say in this connection that my judgment is that no more important paragraph can be contained in the agricultural bill than this paragraph would be if the amendment which I have offered obtains. I am rather surprised that the gentleman from Kansas, always progressive, always thorough in his research of the Nation's needs, always alive to the necessities of the Government whatever they may be, always thinking in advance of his fellows for the country's good, always giving the most detailed consideration to every question coming before him, has failed to take cognizance of this great need. Has the gentleman from Kansas given any thought to this question at all, or was it brought to his attention? I am sure if it was brought to his attention he would have included the provision contained in the amendment as a part of his bill.

Mr. MANN. Mr. Chairman—

Mr. FITZGERALD. Will the gentleman yield for a question? Is this to promote agriculture?

Mr. MADDEN. I yield to my colleague [Mr. MANN].

Mr. MANN. Does not the gentleman think, following up the line of his argument, that instead of adopting the amendment which the gentleman has offered, that it would be desirable to offer an amendment to do what the Chief of the Bureau of Animal Industry has recommended, that the Government purchase and own 100 stallions for the purpose of aiding in getting the proper colts for use in Army service? I do not believe the gentleman from Kansas would make a point of order on that proposition.

Mr. MADDEN. If the suggestion of my colleague will accomplish the thing I am after, I am perfectly willing to meet that situation.

Mr. MANN. That is the suggestion of the Bureau of Animal Industry and of the Secretary of Agriculture.

Mr. MADDEN. I hope the gentleman representing the Committee on Agriculture on the floor of the House will suggest some amendment to cover the case, and, knowing that he is interested in the welfare of the people of the country, I know that he will be glad to be identified with a measure of this importance.

Mr. SCOTT. Mr. Chairman, the Committee on Agriculture considered very carefully the substance of the matter presented in the amendment of the gentleman from Illinois. A hearing was granted to the Quartermaster General of the Army and other Army officers, as well as to the officials of the Bureau of Animal Industry, and the matter was very carefully inquired into. The committee was of the opinion, however, that the time had not yet come for the Government to engage on a wholesale scale in the breeding of horses for Army purposes or any other purposes.

It seemed to the committee that, requiring only 1,700 horses a year in order to mount our very small Cavalry force, the number certainly ought to be found in the country among the millions of horses that are annually produced. And it seemed to the committee that the only reason the Army had difficulty in securing them was because it was unwilling to pay the price.

Now, Mr. Chairman, a word upon the point of order. It seems to me there can be no question but that the gentleman's amendment violates the rule.

Mr. MADDEN. If the gentleman is going to insist on his point of order, I will say that I think he is more interested in the welfare of the country than the point of order would suggest.

Mr. LAMB. Will my colleague yield to me?

Mr. SCOTT. I yield to the gentleman from Virginia.

Mr. LAMB. While this amendment is clearly subject to the point of order, I just want to say for the information, I think, of my colleagues here that we, as the chairman said, had this matter under careful consideration. And if you will refer to the hearings you will see a question propounded by one of us as to how many horses they needed, and they said about 1,700 or 1,800. I asked the question why it was that this country, with twice the population it had half a century ago or more, and with twice the resources, could not supply to the Army 1,700 or 1,800 horses, when 50 years ago it furnished two immense armies with well-equipped Cavalry corps. On two occasions I was myself a humble participant in two battles where 10,000 mounted men fought all day long. I believe that this country can furnish plenty of horses for the Army, if fair prices are paid, and I think Kentucky and Virginia alone will furnish perhaps one-fourth, if not one-half, of these horses, and that the United States Government need not, with all the other things that they are doing, go into the raising of horses.

Mr. SCOTT. I will ask if the Chair cares to hear anything more?

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order.

The Clerk read as follows:

#### BUREAU OF PLANT INDUSTRY.

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, \$5,000; 1 chief clerk, \$2,250; 1 executive assistant in seed distribution, \$2,250; 1 editor, \$2,000; 1 superintendent of gardens and grounds, \$1,800; 1 officer in charge of records, \$2,000; 1 superintendent of seed weighing and mailing, \$2,000; 1 executive clerk, \$2,250; 2 executive clerks, at \$1,980 each; 1 executive assistant in grain investigations, \$1,800; 1 executive assistant in farm management, \$1,800; 1 executive assistant in pomology, \$1,800; 1 assistant superintendent of seed warehouse, \$1,400; 1 seed inspector, \$1,000; 4 clerks, class 4; 11 clerks, class 3; 1 clerk, \$1,500; 15 clerks, class 2; 35 clerks, class 1; clerk, \$1,080; 3 clerks, at \$1,020 each; 22 clerks, at \$1,000 each; 30 clerks, at \$900 each; 18 clerks, at \$840 each; 1 clerk, \$800; 38 clerks, messengers, or laborers, at \$720 each; 16 clerks, messengers, or laborers, at \$660 each; 26 clerks, messengers, or laborers, at \$600 each; 1 artist, \$1,620; 1 photographer, \$1,140; 1 photographer, \$1,080; 1 laboratory aid, \$1,440; 1 laboratory aid, \$1,380; 3 laboratory aids, at \$1,200 each; 5 laboratory aids, at \$840



each; 4 laboratory aids, at \$720 each; 3 laboratory aids, at \$600 each; 1 gardener, \$1,440; 2 gardeners, at \$1,200 each; 1 gardener, \$1,100; 2 gardeners or assistants, at \$1,000 each; 7 gardeners, at \$900 each; 4 gardeners, at \$840 each; 4 gardeners, at \$780 each; 8 gardeners, at \$720 each; 5 gardeners, at \$660 each; 1 gardener, \$600; 1 skilled laborer, \$900; 4 skilled laborers, at \$840 each; 1 mechanic, \$1,380; 1 mechanic, \$1,260; 1 mechanical assistant, \$1,200; 1 mechanic, \$900; 1 carpenter, \$900; 1 painter, \$720; 1 teamster, \$600; 15 laborers, at \$540 each; 21 laborers, messengers, or messenger boys, at \$480 each; 5 laborers or charwomen, at \$480 each; 2 laborers or charwomen, at \$360 each; 2 laborers, at \$420 each; 7 charwomen, at \$240 each; 7 messenger boys, at \$360 each; 4 messenger boys, at \$300 each; in all, \$330,470.

Mr. BARTLETT of Georgia. Mr. Chairman, I reserve a point of order on this paragraph for the purpose of making some inquiry. I desire to reserve a point of order upon the words "two executive clerks, at \$1,980 each," in line 20, page 15, and "one executive assistant in seed distribution, \$1,200," in lines 13 and 14. I notice from the estimate submitted by the Secretary of the Treasury that these are called new places, namely, "one executive assistant, \$1,800; one clerk, at \$1,200; and four clerks, at \$900, \$3,600."

Mr. SCOTT. I can explain to the gentleman, if he will yield to me for a moment, and probably save him some trouble, just what the changes are in this statutory roll.

Mr. BARTLETT of Georgia. I know what they are. I will be very glad to hear the gentleman, however.

Mr. SCOTT. There is one promotion in salary, the salary of the executive clerk, which is recommended to be increased from \$1,980 to \$2,250. That is the only change, in my judgment, that is subject to a point of order. There are six new places provided—one executive assistant at \$1,800, one clerk of class 1, \$1,200, and four clerks at \$900 each, and I think that those are not subject to the point of order. If the gentleman has made a point of order against—

Mr. BARTLETT of Georgia. I reserve the point of order. Now, I did not hear the last statement of the gentleman.

Mr. SCOTT. The statement I made was that in addition to the one promotion in salary, to which I called his attention, there are six new places provided in this statutory roll.

Mr. BARTLETT of Georgia. One promotion is what? "One executive assistant" is a new place.

Mr. SCOTT. Is a new place. "One clerk of class 1" is a new place, "and four clerks, at \$900 each," are new places.

Mr. BARTLETT of Georgia. Now, Mr. Chairman, is that all the gentleman desires to say in reference to the reservation of the point of order? I am going to make the point of order on two items, namely, "one executive assistant in seed distribution" and "two executive clerks." Those are proposed new places.

Mr. MANN. Executive clerks are not new places.

The CHAIRMAN. At what point does the gentleman from Georgia [Mr. BARTLETT] make his point of order?

Mr. BARTLETT of Georgia. I make the point of order, or reserve it, if the gentleman desires me to do that—

Mr. SCOTT. I hope the gentleman will make his point of order.

Mr. BARTLETT of Georgia. Against the words—

One executive assistant in seed distribution, \$2,250.

Mr. SCOTT. That is not a promotion, Mr. Chairman.

Mr. BARTLETT of Georgia. It is the creation of a new place.

Mr. SCOTT. There is one executive assistant, which is a new office.

Mr. BARTLETT of Georgia. And "one executive assistant in seed distribution" is a new office.

Mr. SCOTT. The position I take is that the creation of new places on this statutory roll is not obnoxious to the rule, because the organic act creating the department undoubtedly authorized the Secretary of Agriculture to appoint such clerks and other assistants as Congress may from time to time provide.

Mr. BARTLETT of Georgia. Yes. I understand the gentleman from Kansas to say that he takes the position that this "executive assistant in seed distribution" is not subject to a point of order.

Mr. MANN. Why, no; it is not.

Mr. SCOTT. The executive clerk whose salary has been increased from \$1,980 to \$2,250 is subject to a point of order; that is, to the extent of the increase.

Mr. MANN. Which is that?

Mr. SCOTT. That is in line 19, page 15—

One executive clerk, \$2,250.

Mr. LAMB. That is an increase of only \$270.

Mr. SCOTT. That is an increase; and if the point of order is made against it, it will have to be restored to the old figure; but it is the only thing in this paragraph, in my judgment, which is subject to a point of order.

Mr. BARTLETT of Georgia. Yes; but the estimates provide one executive assistant, \$1,800. That is a new place.

Mr. SCOTT. That is a new place.

Mr. BARTLETT of Georgia. One clerk, \$1,200, which is a new place.

Mr. SCOTT. Yes.

Mr. BARTLETT of Georgia. And one executive assistant in seed distribution, by transfer from congressional seed distribution, under the act of 1910, is the creation of a new office in that department.

Mr. MANN. Certainly.

Mr. SCOTT. Yes.

Mr. BARTLETT of Georgia. I make the point of order then, Mr. Chairman, that this provision—

One executive assistant in seed distribution, \$2,250—

Is subject to the point of order that it is legislation upon this bill, not authorized by the statute creating the Department of Agriculture or any other statute.

The CHAIRMAN. The Chair will ask the gentleman from Kansas whether this is a new place?

Mr. SCOTT. The place to which the gentleman now refers is merely the transfer of a place from the lump sum to the statutory roll. The man has been employed for many years.

Mr. BARTLETT of Georgia. Oh, no.

The CHAIRMAN. At what salary?

Mr. SCOTT. At the same salary at which we now transfer him.

Mr. BARTLETT of Georgia. Oh, no.

Mr. SCOTT. If the gentleman from Georgia is referring to the same official that I have in my mind, that is the case. Will the gentleman point out the line and page of that place, as described in the bill?

Mr. BARTLETT of Georgia. Line 13, page 15—

One executive assistant in seed distribution, \$2,250.

Now, Mr. Chairman, if the Chair desires to hear from me on the point of order—

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BARTLETT of Georgia. I do not think there is any question about the point of order.

Mr. MANN. I should like to be heard on the point of order when the gentleman is through.

Mr. BARTLETT of Georgia. Of course I will give way to the gentleman if he desires me to do so.

Mr. MANN. The organic act creating the Department of Agriculture provides, in section 523 of the Revised Statutes:

The Commissioner of Agriculture shall appoint a chief clerk, and he shall appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar offices in other departments of the Government; and he shall, as Congress may from time to time provide, employ other persons for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

The question is whether under that provision Congress can provide for a new office.

Mr. BARTLETT of Georgia. The gentleman is reading from the Revised Statutes, is he?

Mr. MANN. Yes. The question is whether under that provision Congress in an appropriation bill can provide for a new office. I think the rulings have always been to the effect that where Congress provides for the creation of a new bureau of a department, that there may be clerks or other employees provided as Congress may from time to time authorize, that that has always been construed to be giving authority to provide for those offices in an appropriation bill.

The CHAIRMAN. The Chair will call the attention of the gentleman from Illinois to the fact that the language is:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law \* \* \* at such rates and compensation, respectively, as may be appropriated for by Congress from year to year.

Mr. MANN. That is one provision of the statute.

The CHAIRMAN. The provision referring to the Weather Bureau in the Agricultural Department is as follows:

The Weather Bureau shall hereafter consist of one Chief of the Weather Bureau, and such civilian employees as Congress may annually provide for.

And the organic act is, as the gentleman from Illinois has just quoted it, "such other employees as Congress may from time to time provide for." Now, the question is whether that language, "Congress may annually appropriate for," or "provide for," and the other words "as Congress may from time to time provide" are to be construed to mean the same thing.

Mr. MANN. Mr. Chairman, I had the honor to report to this House the bill creating the Department of Commerce and Labor, the last department that was created in the Government. In that department we created several new bureaus. We stud-

ied that subject very thoroughly in the committee, knowing that it was impossible to put in the statute the number of employees that should be engaged in the bureau permanently and do it successfully. We undertook to write the statute in such a way that in the annual appropriation bills the number of employees might be varied as requirements would suggest. And in that law, creating the Bureau of Corporations, the language is, "as Congress may from time to time authorize," or "provide," whichever it is. It does not say "appropriate," for, as I recall it, it was the understanding then in the House, and was so stated, that that language was intended to mean that under it Congress could vary the number of employees in the bureau from time to time. It would be preposterous to say that Congress should legislate every year by direct legislation fixing the number of employees in a bureau which may expand or contract in the exigencies of the service. I think there is no escape from the proposition that the language "may from time to time provide" means to provide in an appropriation act.

Mr. SCOTT. In addition to what the gentleman from Illinois has said on the point of order, I want to say that in all my experience in this House I never have known a point of order raised against the mere transfer of an employee from one fund to another fund. The official provided for in the statutory roll now under the title of "one executive assistant in seed distribution" has been employed for many years.

Mr. BARTLETT of Georgia. At what salary?

Mr. SCOTT. At the same salary.

Mr. BARTLETT of Georgia. Oh, no.

Mr. SCOTT. He is employed during the current year at a salary of \$2,250, as the gentleman from Georgia will discover, and we are simply transferring him, at the same salary, from one fund to another. It is a procedure that has never been criticized, as far as I know.

Mr. BARTLETT of Georgia. May I ask the gentleman what portion of the act of 1910 carries this salary of \$2,250?

Mr. SCOTT. This official was paid from the lump sum for congressional seed distribution, and therefore the distinct place and individual salary does not appear in the statute.

Mr. BARTLETT of Georgia. Nor did he appear as executive assistant chief of seed distribution.

Mr. SCOTT. I do not know about that.

Mr. BARTLETT of Georgia. That office did not exist by any law—in an appropriation bill or otherwise.

Mr. SCOTT. But the person fulfilling the duties of the office was employed and paid for under that appropriation.

Mr. BARTLETT of Georgia. I know the gentleman wants to be candid and to answer my question.

Mr. SCOTT. I certainly intend to answer the gentleman's question.

Mr. BARTLETT of Georgia. That office was not created and has not been created by any act of Congress—that is, specifically, on an appropriation bill, except this one that you now carry for the first time.

Mr. SCOTT. That is undoubtedly true. The man has been paid heretofore from a lump sum.

Mr. BARTLETT of Georgia. And this is the creation of an office and appropriating so much salary for the first time.

Mr. SCOTT. Exactly. That is one way to look at it, and perhaps the just way; and looking at it from that point of view I insist that it is not subject to the point of order, for the reasons so well stated by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, may I call the attention of the Chair to the Record of the last session of Congress, where we created the Bureau of Mines, and in section 1 of that act provided—

And there shall also be in said bureau such experts and other employees as may from time to time be authorized by Congress.

Almost the same language, and I think it was clearly understood that that language, at that time when Congress passed that law, meant authorized in an appropriation act.

Mr. BARTLETT of Georgia. Mr. Chairman, I do not see how there is any escape from this point of order under the previous rulings to which I will call the attention of the Chair.

Mr. LEVER. Will the gentleman yield for a moment?

Mr. BARTLETT of Georgia. Certainly.

Mr. LEVER. I rather think that the gentleman from Georgia and the chairman of the committee are firing at cross purposes.

Mr. BARTLETT of Georgia. I do not think so.

Mr. LEVER. If the gentleman would indicate just exactly the page and line upon which he raises the point of order, I think I may throw some light upon it.

Mr. BARTLETT of Georgia. I do not think there is any misunderstanding about that. I raise the point of order to the language, "one executive assistant in seed distribution, \$2,250."

Mr. LEVER. That, as a matter of fact, is a raise in salary. That gentleman is carried in the current law at a salary of—

Mr. BARTLETT of Georgia. One thousand two hundred dollars.

Mr. LEVER. One thousand nine hundred and fifty dollars.

Mr. BARTLETT of Georgia. Will the gentleman be kind enough to point out the current law?

Mr. LEVER. As a matter of fact the gentleman from Georgia is right in his contention on that proposition, and the chairman of the committee, I think, is wrong. It is an increase of salary from \$1,950 to \$2,250.

Mr. BARTLETT of Georgia. That is what the Treasury reports, that it is an increase and the creation of a new place.

Mr. LEVER. Of course it is; the gentleman is right about that.

Mr. SCOTT. Mr. Chairman, I would like to say right there that the statement I made was based on the original estimate submitted to the committee, where this language occurs:

One executive assistant in seed distribution, to be transferred from congressional seed distribution, \$2,250.

There is no notice there that the salary is increased, and it has always been the practice of the Secretary in submitting the estimates to note the fact that a salary was increased when it was.

Mr. BARTLETT of Georgia. Mr. Chairman, I have the act of last year, the agricultural bill, before me, and I ask the gentleman to point out in that bill where this provision is made for one executive assistant in seed distributions at any sum.

Mr. SCOTT. I have said to the gentleman before, it is paid out of the lump sum, and therefore of course it does not appear as a specific item in the bill.

Mr. BARTLETT of Georgia. Mr. Chairman, you will find on examination that the act of 1910, page 42, which is the appropriation act, carried this item:

Bureau of Plant Industry, one seed clerk and superintendent, \$1,200.

The act of 1909, page 1044, which was the agricultural bill for 1909-10:

One seed clerk and superintendent, \$1,200.

Mr. MANN. That is not this official.

Mr. BARTLETT of Georgia. I do not know who it is. Mr. Chairman, there ought not to be, and I do not charge that there is, concealed in any of these bills any proposition by which men are paid money that the Congress and the country may not understand who it is. I do not charge that there is.

Mr. SCOTT. Will the gentleman yield?

Mr. BARTLETT of Georgia. With pleasure; always.

Mr. SCOTT. I have refreshed my memory by turning to the hearings before the committee—

Mr. BARTLETT of Georgia. I have them here.

Mr. SCOTT. And they bear out the statement I made a moment ago, that this official has been transferred from the lump sum to the statutory roll at the same salary he had been receiving. That question was asked by the chairman of the committee of Dr. Powell, acting chief of the bureau, in this form:

I notice that you transfer one executive assistant in seed distribution from the congressional seed distribution at a salary of \$2,250. I presume that person has been employed for a year or more at the same salary.

Dr. Powell replied:

Yes, sir; at the same salary.

That seems to settle the proposition, so far as that is concerned. I am reading from page 43 of the hearings.

Mr. BARTLETT of Georgia. I have it. The gentleman means to say this clerk did not receive a salary of \$1,980 as one of the executive clerks?

Mr. SCOTT. We have the word of the chief of the bureau that he had been receiving \$2,250 for the year preceding, and that such is his present salary.

Mr. LAMB. If my colleague will allow me to make this statement. I think there is some mistake about that.

Mr. BARTLETT of Georgia. I think so, too.

Mr. LAMB. It may be in the language or a mistake about the man, but we know the man; he is a man by the name of Jones.

Mr. SCOTT. The gentleman is talking about an entirely different individual. It is true, and I have repeatedly suggested that to the gentleman from Georgia, that a man by the name of Jones who is connected with the seed distribution is now getting a salary of \$1,980 a year, and the committee has recommended that his salary be increased to \$2,250 a year to bring it on a par with the salary paid men performing similar duties.

Mr. LAMB. There are two \$2,250 men, as you will find in the estimates.



Mr. BARTLETT of Georgia. If that is true, then the testimony of Mr. Powell was inaccurate about Mr. Jones getting \$2,250.

Mr. SCOTT. He was not talking about Mr. Jones.

Mr. MANN. About Mr. Tracy, I guess.

Mr. SCOTT. On page 15, lines 19 and 20, of the bill appears this language:

One executive clerk, \$2,250.

The executive clerk described in that language is the aforesaid Jones, and that is the salary which the committee recommends should be increased from \$1,890 to \$2,250.

Mr. BARTLETT of Georgia. But the gentleman still has not read all this testimony, because Mr. Powell says this:

This particular clerk is the one that has charge of the correspondence incident to the congressional seed work under the personal direction of the chief of the bureau, Mr. Oliver Jones—

That is on page 44—

The reason why the proposed increase is made in this salary is because of the more exacting duties, etc.

Mr. SCOTT. Pardon me. The gentleman, in my judgment, has got his wires crossed again.

Mr. BARTLETT of Georgia. If I have, it is because you have got the testimony crossed in reporting it; that is all.

Mr. SCOTT. No; but it is because the titles are so nearly alike. The title in the first instance of the official who is transferred without change of salary, and who is paid from the lump sum, is "one executive assistant in seed distribution."

Mr. LEVER. Whose name is Jones.

Mr. SCOTT. No; I beg the gentleman's pardon.

Mr. BARTLETT of Georgia. Somebody else seems to have his wires crossed now.

Mr. SCOTT. His name is Tracy.

Mr. BARTLETT of Georgia. If the gentleman will permit me to say, I think we will clear up all the wires—

Mr. MANN. The gentleman will remember there are two Joneses over in the seed distribution.

Mr. SCOTT. If the gentleman will allow me to make a consecutive statement, I am sure I can make it plain to him. There are two places provided for in this bill, one of them "one executive assistant in seed distribution."

Mr. BARTLETT of Georgia. Who is that?

Mr. SCOTT. That, I believe, is a man by the name of Tracy, who is now employed under the lump sum for congressional seed distribution at a salary of \$2,250. He is to be transferred to the statutory roll without any change of salary.

Mr. BARTLETT of Georgia. Do you mean to say that Mr. Jones is not the executive assistant in seed distribution?

Mr. SCOTT. I mean to say exactly that.

Mr. BARTLETT of Georgia. I have Mr. Jones's card, which was handed to me yesterday, which reads:

Oliver F. Jones, executive assistant, Seed Distribution, Department of Agriculture.

Mr. SCOTT. His title appears, if I may now complete my statement, in the appropriation act as "executive clerk," and, in respect to that, Mr. Powell said that this particular clerk, whose name, as aforesaid, is Jones—

Is the one who has charge of the correspondence incidental to the congressional seed work, under personal direction of the chief of the bureau. The reason the proposed increase is made in this salary is because of the more exacting duties on the part of Mr. Jones and greater efficiency on the part of Mr. Jones, as he is assistant to the chief of the bureau.

We do not want to forget that it is Mr. Jones we are talking about.

Mr. LEVER. He is the gentleman who handles the congressional seed part. We do not want to forget that.

Mr. LAMB. I am going to make a request of my friend, inasmuch as this is but \$250 of an increase. Inasmuch as this man is very efficient, as all of us can testify, while the item is subject to a point of order, I appeal to my friend from Georgia [Mr. BARTLETT] to withdraw his point of order and let it go in.

Mr. BARTLETT of Georgia. Mr. Chairman, one word. I know this official very slightly. I do not charge anyone with undertaking to befog or prevent the House from understanding the whole situation. We are entitled, in the payment of public money and appropriating it, to know all the facts. I think I understand the situation, and I hope the Chair will indulge me if I do not address myself to the point of order at once.

I am appealed to not to make the point of order in these matters, because it is stated this official who is to receive the benefit of this increase performs some service for Congress. I am not in the habit of making points of order very frequently. I am not in the habit of criticizing good salaries. But this morning we have listened to a lecture from gentlemen upon this side because my friend from Arkansas made a point of order, or because he criticized the placing in this appropriation bill

certain increases of salaries which were subject to a point of order. With that I have no concern, the gentleman from Arkansas [Mr. Macon] being amply able to take care of himself in the matter. But I made up my mind, having inquired about this matter, that I would make the point of order, and discover why it is, if it is true, that we now increase the salary of some man who does work for us when I know that in the office of this department are employees—and I do not refer to charwomen or laborers, but to men and women clerks—who work for \$50, \$60, and \$70 a month, and have done so for years. Their salaries have not been increased. They do not do anything for us. They work to serve the public, and discharge their duties.

I do not see why we should increase this salary, if that is the office the salary is to be increased for, and not increase the others. Is this office more important than the office of the chief clerk of the Bureau of Plant Industry, who gets only \$2,250? Dr. Galloway only gets \$5,000, I believe. He is chief of that bureau, and I desire to pause here long enough to say that, having come in contact with him for 16 years, as he is the man I generally see when I go to the department, or with whom I have communication in the department, I believe he earns every dollar and has earned every dollar of that salary. He has been one man in the employment of this Government with whom it has been a pleasure to come in contact and be associated with. I trust he may soon return to this country restored in health and strength, and that he may devote to the service of that department his great mind and intellect.

Now, it is not an impelling reason, it is not an appealing reason, to me to suggest that this point of order should be withdrawn because it would increase the salary of some man who performs work for us.

I had rather increase the salaries of the women and the men in the departments who hardly get enough to keep soul and body together, whether they do anything immediately for the convenience or accommodation of the Congressmen or not. I know of ladies who have worked for years and whose salaries have not been increased, or only from the pitiful sum of \$600 to \$720 or \$900 a year, and it takes years and years for people of that class to get any increases. Now, two wrongs do not make a right, and if we are going to increase salaries, let us increase the salaries of those who need them most and who are not now getting, as I am in one breath informed by the gentleman from Kansas, \$2,250, and in another breath, \$1,950. I do not know what salary this man gets now, except under the estimates referred to, and which we have before us, where the Secretary of the Treasury refers to the act of 1909-10 for the authorization. I can only find authorization for that person getting \$1,200 in the act of 1909-10.

Now, Mr. Chairman, I apprehend the Chair is familiar with the precedents. I might call attention to some of them.

The CHAIRMAN. The Chair would ask the gentleman from Georgia whether his point of order is that this place is a new one, and whether he makes a distinction between the Agricultural Department and other departments in the right to employ such clerks and other employees as are annually appropriated for?

Mr. BARTLETT of Georgia. The language of the statute is not "annually appropriated for," but "provided." The Department of Agriculture can only make such appointments as Congress may provide for, and I will call your attention—

The CHAIRMAN. Is that the point that the gentleman makes?

Mr. BARTLETT of Georgia. I make the point that this is a new office, and an increase of salary over any provided, even in an appropriation bill—that it is the creation of a new office.

Mr. SCOTT. Will the gentleman allow me to make this statement for the information of the Chair? I am willing to concede that the position "one executive assistant in seed distribution" is a new office.

Mr. BARTLETT of Georgia. And subject to the point of order?

Mr. SCOTT. But not subject to the point of order. There is no increase in the salary provided for "one executive assistant in seed distribution."

Mr. BARTLETT of Georgia. What salary did he get last year?

Mr. SCOTT. He got \$2,250.

Mr. BARTLETT of Georgia. Will the gentleman be kind enough to point out in the appropriation bill of last year the item covering that?

Mr. SCOTT. I have already stated to the gentleman that it was not specifically appropriated for last year, as it was paid from the lump sum; and I quoted the acting chief of the bureau in the hearings as my authority for saying that he is being

paid now \$2,250, so that this does not propose to increase the salary.

There is an increase of salary recommended in lines 19 and 20, "one executive clerk, \$2,250." To that increase, of course, I concede the point of order, if it is made. I do not concede the point to the creation of new places, and I hope the Chair will rule.

Mr. BARTLETT of Georgia. Well, the Chair said he wanted to hear from me, and I yielded to my friend, and now he closes his argument with an appeal to the Chair to rule.

Mr. SCOTT. I thought the gentleman from Georgia had concluded his statement on the point of order. I certainly do not wish to take him from the floor.

The CHAIRMAN. The Chair will hear the gentleman on his point of order.

Mr. BARTLETT of Georgia. I do not think there is any question about this point of order. Section 520 created the Department of Agriculture. The act of 1889 made it an executive department.

This act, taken in connection with sections 168 and 169 of the Revised Statutes, constitutes the law as to the Department of Agriculture. Section 169 authorizes each head of a department to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, section 523 says the Commissioner of Agriculture shall appoint a chief clerk, and so forth, and then says "he shall appoint such other employees as Congress may from time to time provide." That is all there is. Now, this question has been somewhat considered by the House. In section 3670 of Hinds' Precedents the Chair will find a decision rendered which declares that the law authorizing the heads of departments to employ such clerks as may be appropriated for does not apply to officers not allotted to the departments or to officers not at the seat of government.

Now, the Weather Bureau act provided that the committee should employ certain people as Congress might from year to year appropriate for. The words "appropriate for" are entirely distinct and different from the words "provide for," because while Congress may appropriate for on an appropriation bill, it can not provide by law anywhere except by statute and not on an appropriation bill.

Mr. SCOTT. Will the gentleman yield in that connection?

Mr. BARTLETT of Georgia. Certainly.

Mr. SCOTT. I have before me the language in the act relating to the Weather Bureau, and I do not read it as the gentleman quoted it. It states—

The Weather Bureau shall hereafter consist of one Chief of the Weather Bureau and such civilian employees as Congress may annually provide for.

It says "annually provide for" instead of "annually appropriated for," as I understood the gentleman from Georgia to quote it.

Mr. BARTLETT of Georgia. That was my understanding. I take the position, and I think it is sound, that the enactment on an appropriation bill—and I read from section 3670 of Hinds' Precedents, volume 4—

the enactment of an appropriation bill is not a provision of law any more than for the current year, and it gains no force by having been repeated for two, three, or any number of succeeding years.

That was a decision made on a point of order by the gentleman from Minnesota [Mr. TAWNEY] in 1906, and I think the Chairman who made the ruling was the gentleman from Illinois [Mr. BOUTELL].

It further says:

It would appear, therefore, from the ruling of the Attorney General and from these decisions, that the clerks of the Government outside of the departments in Washington must be provided for by specific law, and that items in appropriation bill providing for such clerks or increasing their number previously provided by law would not be in order.

Now, I read that for the purpose of demonstrating to the Chair that an appropriation bill, although legislation may be enacted upon it by providing for a salary or creating an office, is not such a provision of law as is contemplated by this rule.

The CHAIRMAN. The Chair thinks there is no question about that proposition.

Mr. BARTLETT of Georgia. I suppose the Chair has all the decisions, and especially the fourth volume of Hinds' Precedents, sections 3697, 3698, and 3699.

Now, if they want to make this permanent law, the Chair understands that all they have to do is to insert the word "hereafter," or say that after such a date such an office shall exist or such a salary shall be paid; but the Department of

Agriculture, Mr. Chairman, has no more authority to create this office than has any other department, because all of these departments have these provisions relating to them.

I refer the Chair to section 158 and section 161 of the Revised Statutes, and there the Chair will find that it is provided what these various heads of departments may do, and there is no difference with reference to what they may do and what the Secretary of Agriculture may do, except that the Secretary of Agriculture may appoint such as Congress may provide for, and the heads of these departments shall do the appointing. All that was done was to give the Secretary of Agriculture authority to appoint these people when Congress authorized him to do so. I know the Chair understands the distinction made, and I think the Chair understands that this is a new office; but before I sit down I want to call the attention of the Chair again to the fact that the evidence before this committee shows that this very identical salary was increased from \$1,980 to \$2,250, and the gentleman will not deny that it is the purpose to increase the salary of this official from \$1,980 to \$2,250.

Mr. SCOTT. I do not contest that point of order.

Mr. BARTLETT of Georgia. But the gentleman has time and time again stated that this gentleman was getting \$2,250.

Mr. LAMB. He was mistaken then.

Mr. SCOTT. I was talking about one man and the gentleman about another.

Mr. BARTLETT of Georgia. I submit that this is subject to the point of order, that this is a new place, not authorized by law, and that it is an increase in the salary in both propositions, the executive assistant and the executive clerk.

The CHAIRMAN. The Chair assumes that the statement of the chairman of the Committee on Agriculture [Mr. SCOTT] is correct as to the question of whether it is an increase of salary or not. The Chair is not inclined to believe that the statutes intend to make any difference between the Department of Agriculture and other departments of the Government in the matter of the power of Congress to appropriate for places from year to year. It is true that title 4, section 169, of the Revised Statutes, reads as follows:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

The language referring to the Department of Agriculture in similar connection reads as follows:

Sec. 523. The Commissioner of Agriculture shall appoint a chief clerk \* \* \* and he shall appoint such other employees as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other departments of the Government, etc.

The point of difference comes on the comparison of the language—

As may be appropriated for by Congress from year to year—and the language—

As Congress may from time to time provide.

There was certainly no question that Congress might from time to time provide by additional proper legislation for new places, even without a previous statute on the subject, and therefore, unless the statute just read with reference to the Department of Agriculture is construed to be of similar import as section 169 of the Revised Statutes, relative to other departments, the language would have no meaning at all. The Chair, therefore, overrules the point of order.

The Clerk read as follows:

For investigating the handling, grading, and baling of cotton, and the establishment of standards for the different grades thereof, and for carrying into effect the provisions of law relating thereto, \$32,350.

Mr. EDWARDS of Georgia. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Line 17, page 19, after the word "the," insert the word "ginning," and strike out the word "and" after the word "grading," and insert after the word "baling" the words "and wrapping," so that the paragraph will read:

"For investigating the ginning, handling, grading, baling, and wrapping of cotton, and the establishment of standards," etc.

Mr. SCOTT. Mr. Chairman, I reserve the point of order against the amendment.

Mr. EDWARDS of Georgia. Mr. Chairman, I would like to ask the chairman what objection there can be to investigating the ginning of cotton and the wrapping of cotton.

Mr. COCKS of New York. That is all included.

Mr. EDWARDS of Georgia. I think not.

Mr. SCOTT. Would not that be included under the word "handling?" Does not the gentleman think the Secretary would have had that authority, under that broad word, to make these investigations?



Mr. EDWARDS of Georgia. I understand not. I want to say to the chairman of the Committee on Agriculture and gentlemen present that there is a great loss sustained every year by the cotton growers through the careless ginning of cotton. I believe a great deal of saving can be effected if the department would investigate the ginning of cotton and make helpful suggestions. In many cases the cotton is gin cut and otherwise damaged, of which the gentleman is no doubt aware, through the careless handling of it at the gin, all of which is a loss on the cotton producer.

Mr. SCOTT. Is that all that is contemplated by the gentleman's amendment? My attention was distracted, and I did not hear the amendment read.

Mr. EDWARDS of Georgia. No; I also used the words "and wrapping of cotton." You have the handling, grading, and baling, which I presume refers to the compression of it for easy handling, and now I have in mind this. In our section of the country, particularly in the wrapping of short cotton—and the same thing applies throughout the country—they only halfway wrap the cotton, and great loss is sustained in that way by the farmers. In many cases short cotton is not entirely covered by the bagging or wrapping, and I believe that a very effective service can be rendered to the cotton farmers of this country if some work is done to effect better methods of wrapping the cotton.

Mr. MANN. Will the gentleman yield?

Mr. EDWARDS of Georgia. Certainly.

Mr. MANN. Is there any intention to increase the amount appropriated?

Mr. EDWARDS of Georgia. Not at all; it is to enlarge the wording of this paragraph so there can be, by no possibility, a misunderstanding as to just what these words mean, because we want to get the very best possible results out of the money which is to be expended.

Mr. SCOTT. Mr. Chairman, my impression is that the secretary is authorized by the language now in the paragraph to do the work which the gentleman from Georgia contemplates, but I do not see that any harm would be done by putting the specific language in the paragraph, such as his amendment sets forth, and I therefore withdraw my point of order.

The CHAIRMAN. The gentleman from Kansas withdraws his point of order.

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to recur to line 12, page 19, for the purpose of asking a question of the chairman of the committee.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. MOORE of Pennsylvania. I ask unanimous consent that I may ask the chairman a question with reference to line 12, on page 19.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent—

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. On line 12, "for drug plant, poisonous plant, tea culture," and so forth, we have made provision for one of the food products of this country which is acquired now wholly from foreign countries. Tea and coffee enter very largely into the consumption of the American people, and in an inquiry made during the last session of Congress by a subcommittee of this House much testimony was had as to the expensiveness to the American people of those two products. We do not raise coffee in the United States. We pay very heavily for that which we do use. We do not, so far as I know, raise tea in the United States, and since an appropriation is made here for tea culture, I desire to ask the chairman of the committee to tell us, if he will, what progress is being made by the Department of Agriculture in the development and growth of tea in the United States.

Mr. SCOTT. Mr. Chairman, the Department of Agriculture has been conducting a cooperative experiment in tea growing in South Carolina for a number of years. For several years there was a specific appropriation of \$10,000 annually for the Government's share of the expense, but recently the project was covered into the paragraph as it appears now in which a number of other projects are included, and this year there will be spent something less than \$2,000. The experiment has proven to be entirely successful. A plantation owned by a private citizen has been for several years growing something like 200 acres of tea, producing a very excellent quality of tea which found a ready market at satisfactory prices.

In the beginning it was not thought that it would be possible to develop such an industry, because it was necessary then to do the work by hand and our labor was too expensive to be profitably used in that way. But through the ingenuity of the men engaged upon the experiment machinery has been devised by

which a great deal of handwork, practically all of it, is eliminated, so they are now able to produce tea at a profit, and a very considerable amount, I think some 15,000 or 20,000 pounds, is produced annually and finds a ready market.

Mr. MOORE of Pennsylvania. Is the gentleman sufficiently informed to say whether the tea produced in South Carolina is actually put upon the market and sold?

Mr. SCOTT. I am so informed.

Mr. MOORE of Pennsylvania. Then there is a possibility that some day in this country we may be able to compete with the growers of tea elsewhere?

Mr. SCOTT. I think that is quite possible. The work is being carried on now as a private enterprise, and it certainly would not be if it were not satisfactory to the owner of the plantation.

Mr. OLMSTED. Is that a pink tea that is raised down there?

Mr. SCOTT. I think it is a green tea and a black tea. It depends on the method of curing.

Mr. MOORE of Pennsylvania. My colleague from Pennsylvania [Mr. OLMSTED] is in the habit of inquiring about those things concerning which he is most acquainted. [Laughter.] Mine was an inquiry bearing upon commerce.

The Clerk read as follows:

For studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa secured in the open market, and where such samples are found to be adulterated or misbranded the results of the tests shall be published, together with the names of the persons by whom the seeds were offered for sale, \$26,650.

Mr. EDWARDS of Georgia. Mr. Chairman, I would like to ask the chairman of the committee before offering an amendment, if permitted, whether or not there is any provision in this bill for the testing of commercial fertilizers.

Mr. SCOTT. There is no specific provision; but, under the general authority conferred upon the Bureau of Soils, I think, without doubt, such tests could be and are being made.

Mr. EDWARDS of Georgia. I beg, Mr. Chairman, to offer this amendment: After the word "commercial," in line 8, page 20, insert the words "fertilizer and;" and in line 13, page 20, after the word "seeds," insert the words "or fertilizer," so that the section, as amended, will read:

For studying and testing commercial fertilizers and seeds, including the testing of samples of seeds of grasses, clover, etc.—

And the paragraph to conclude—

Together with the names of the persons by whom the seeds or fertilizers were offered for sale, \$26,650.

Mr. SCOTT. Mr. Chairman, I must reserve a point of order against that. If the gentleman does not care to discuss it, I will make the point of order.

Mr. MANN. I will make the point of order, anyhow, in the end.

Mr. SCOTT. Let me say, that even if the amendment were in order, this is not the place for the work to be done. It is not the bureau which should be required to make this investigation. It belongs to the Bureau of Soils, and that bureau is already doing it. I do not think the gentleman ought to ask to have another bureau required to do the same kind of work.

The CHAIRMAN. The Clerk has not been able to get the proposed amendment yet.

Mr. EDWARDS of Georgia. I will offer this amendment, then, Mr. Chairman, at another place in the bill. I withdraw it now.

The Clerk read as follows:

For taxonomic investigations and the study of methods for the improvement of grazing lands, \$21,930.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from Kansas what relation there is between taxonomic investigations and the study of methods for the improvement of grazing lands.

Mr. SCOTT. Taxonomic investigation is a necessary preliminary to the study of methods for the improvement of grazing lands. The science of taxonomy, as I understand it, is the botanical study of grasses.

Mr. MANN. Not at all.

Mr. SCOTT. Then I have been misinformed.

Mr. MANN. The gentleman has been misinformed. The science of taxonomy has no more to do with grasses than it has with elephants.

Mr. SCOTT. Will the gentleman further enlighten the House? Mr. MANN. It is easy enough for anyone who has studied Greek to get at the meaning of that word.

Mr. SCOTT. For the benefit of those of us who have not, will the gentleman explain it?

Mr. NORRIS. Let me suggest to the gentleman that it is derived from the same root as the word taxicab. [Laughter.]

Mr. MANN. It is the law of classification, and the word is applied either to the classification of plants or animals. It has

no relation whatever to the investigation of the improvement of grazing lands or grasses. However, I thought possibly there had been some explanation of it which would show. I have no objection to it in the bill, but I wondered whether they were really making taxonomic investigations.

Mr. SCOTT. The gentleman at the head of the bureau, who appeared before the Committee on Agriculture, stated to the committee, as I now recall, that the insertion of the language "taxonomic investigations" authorized them to make a scientific botanical study of grasses, and that this was necessary in order to determine the best means of reseeding overgrazed ranges and for maintaining in good condition the grazing lands in the national forests.

Mr. MANN. It is very plain that if they would send an item through the auditor's office in regard to reseeding grass lands under the head of "taxonomic investigation," the auditor, who is well informed on such subjects, would turn him down. However, if there is no desire to carry on taxonomic investigation in this connection, I have no objection. I will send for a dictionary and show the gentleman from Kansas what taxonomic means.

Mr. SCOTT. Mr. Chairman, I will read a paragraph from the hearings. The question was asked Mr. Powell why he desired to have an additional appropriation of \$4,000 for this work, and he said:

That is to extend the study of the barrenness, due to overgrazing, in many of the western grazing lands. It has been discovered within the last year that the difficulties in reseeding are often due to the acidity of the soil. When this item was created by the committee the grazing investigation was grouped in this way, because the specialist who was carrying on the taxonomic investigation was also studying these grazing problems in cooperation with the Forest Service.

Mr. MANN. That is all covered by a study of the methods for improving grazing lands. The item is "and the study of methods for improving grazing lands." That is covered by the gentleman's statement. Taxonomic investigations are entirely apart from that and have no relation to what the gentleman has stated.

Mr. SCOTT. We will wait for the dictionary.

Mr. PARSONS. Mr. Chairman, I move to strike out the last two words. I desire to ask the chairman of the committee in connection with the last paragraph on page 20 what the fibrous plants used for paper making are which are to be tested under that paragraph.

Mr. SCOTT. Any fiber which there is reason to believe may be used for paper making can be investigated under this paragraph. During the past year the department has been experimenting with cotton plants, with corn plants, and with broom-corn plants. I may say that it has had better results from experiments with broom corn than any other plant. Paper of an excellent quality has been made from broom corn, in quality ranging in price from 5 or 6 cents a pound up to 40 cents a pound. We are told that the entire plant is available for paper making, everything except the broom, which, of course, is first detached; that it may be used either green or dry, but preferably dry, because it can be transported at less expense.

Mr. PARSONS. I do not know what the price of paper is, but do the results show commercial possibilities in the manufacture of paper from these plants?

Mr. SCOTT. Yes; the results do show commercial possibilities. It has not yet been developed that there is any fiber out of which print paper can be made in competition with wood pulp, but from broom corn and the ordinary corn paper of a higher grade than print can be made in competition with a similar grade of papers that are now made from cotton or linen rags.

Mr. MANN. You make soda pulp out of that; that is magazine paper.

Mr. PARSONS. Are there any other plants which have been tested by the department?

Mr. SCOTT. They have tested a great many plants which I have not at my tongue's end. Their experiments cover a wide range, with the result that they have practically come to the conclusion that there is a commercial possibility in broom corn; that it can be profitably grown for that purpose, taking into account the by-products in the shape of brooms and in the shape of a saccharine product that is extracted from the plant.

Mr. PARSONS. In other countries are there any plants used for the manufacture of paper?

Mr. SCOTT. I understand they manufacture paper from rice straw and various other fibers in Japan.

Mr. PARSONS. In England have they not made experiments for the manufacture of paper from a plant called appalata?

Mr. SCOTT. I do not know.

Mr. PARSONS. Does the gentleman know whether or not they have made any experiments with any such plant here?

Mr. SCOTT. I do not know of any plant by that name.

Mr. TILSON. Will the gentleman yield?

Mr. SCOTT. Certainly.

Mr. TILSON. Whether or not experiments have been made by the Agricultural Department in the making of paper out of cornstalks?

Mr. SCOTT. I stated in reply to the gentleman from New York that such experiments have been made, and there is no doubt but that an excellent grade of paper may be made from cornstalks. The trouble is that the assembling of the cornstalks for manufacture is so expensive that it is not likely to be a satisfactory commercial proposition.

Mr. TILSON. I have understood that the chief difficulty lay in the joints of the stalk, and that if those could be removed it might very probably prove an economic matter, but that the principal difficulty lay in the joints of the stalk, which would apply to broom corn the same as to ordinary cornstalks.

Mr. SCOTT. It applies to the broom corn as to ordinary corn, but there is a better grade of fiber in the broom cornstalk than in the Indian cornstalk.

Mr. MANN. If the gentleman will permit, broom corn is grown in much more compact districts than ordinary corn. There are only a few localities in the country where broom corn is grown successfully. It is much more feasible to get the broom corn together for the purpose of using it. The proportion of pulp is not as great in the ordinary corn.

Mr. TILSON. I know something about both varieties, and I know they both have joints in them, and the difficulty I have always understood in the manufacturing of either of those stalks into paper was the element of the joint, which did not make good pulp.

Mr. MANN. They have no trouble in getting rid of that now.

Mr. SCOTT. Of course the joint has to be eliminated, and that process is simply one of the factors of the cost.

Mr. MANN. It is eliminated. All they do is to crush it and put it into a soda chemical retort.

Mr. BENNET of New York. Does the gentleman from Kansas know whether the department is conducting experiments along the line of further utilizing the branches of hardwood trees to make print paper?

Mr. SCOTT. Those experiments are being conducted by the Forest Service on a very large scale. The Bureau of Plant Industry is investigating fibrous plants, annual plants, that perhaps may be grown for no other purpose than the manufacture of paper.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. BENNET of New York. Mr. Chairman, I rise in opposition to the amendment. I will ask the gentleman to conclude that statement.

Mr. SCOTT. The Bureau of Forestry is conducting on a large scale an inquiry into the question of wood pulp, with a view to determining whether or not some other varieties of tree may be found from which the pulp may be made as cheaply as pulp is now being made from spruce. The gentleman is aware that practically our whole supply of wood pulp now comes from the spruce forests. Those forests are being rapidly destroyed, and this House has deemed it of so much importance that a new material should be discovered that it last year authorized an appropriation of something like \$50,000 to carry forward this work, and this bill recommends a continuation of that appropriation.

Mr. MANN. Mr. Chairman, I desire to state that the appropriation that has already been made provided for the experiments in the making of ground wood out of other woods than spruce. The American Pulp and Paper Association have furnished money for a certain amount of machinery for that purpose. The Government has furnished a certain amount of money in the agricultural appropriation bill last year, and they have just set up a mill in Wisconsin in connection with the scientific experiment station or laboratory that they have at Madison for the purpose of seeing whether they can make ground wood out of jack pine and other timbers of not much value, and that experiment, only recently commenced, is being conducted with the hope that it may be successful.

Mr. BENNET of New York. And we are appropriating as much as the department doing the work seems to think they need for the next year.

Mr. MANN. The item is carried in this bill in a lump sum with some other things, but I suppose, undoubtedly, it carries all they have asked for.



Mr. BENNET of New York. Does not the gentleman who made such a valuable investigation on the subject quite recently think this particular investigation is one of great importance, particularly for the preservation of our forests?

Mr. MANN. Oh, it is of immense value. If it should be shown that we can make ground wood out of what is otherwise worthless, it is of immense value. Somebody asked me about making it out of hardwood. There is no trouble about making paper out of hardwood, and you can now make ground wood out of hardwood, but you can not make it cheaply out of hardwood. They make soda pulp out of all kinds of hardwood. Sometimes they employ chestnut oak, which has tannic acid, and they manipulate it in some way so that they can make soda pulp out of that. This paper here is probably largely made from cotton fiber. The ordinary magazine paper is made from soda pulp.

Mr. BENNET of New York. Why do not they make use of what is called in our State "slashes?" Is it because it is not profitable to take them out?

Mr. MANN. Well, they do not make much soda pulp in the gentleman's State, but in Pennsylvania—one of the Members on this floor here, Mr. WHEELER, of Pennsylvania, represents a district where they make a great quantity of soda pulp, and they pick up the limbs and tops, and everything of that kind, and convert it into soda pulp. They make great quantities in West Virginia, but it is an expensive process and it makes expensive paper.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET of New York. I ask unanimous consent that my time be extended for five minutes, in order to yield to the gentleman from New York.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LINDBERGH. Has there been any particular experiments made in regard to roots and stumps of trees?

Mr. MANN. There have been experiments made with stumps and roots, and they find that practical sometimes in swamps, and there has been paper made from them; also, with this loose stuff—I forget the name—peat which they find in some swamps.

Mr. LINDBERGH. Is there any probability of success in that connection?

Mr. MANN. I do not think there is; the roots and stumps quickly disappear.

Mr. LINDBERGH. But in some places they have large quantities of this stuff.

Mr. MANN. But they disappear before a great while.

The Clerk read as follows:

For the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, \$278,055.

Mr. HUGHES of Georgia. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the study and demonstration of the best method of meeting the ravages of the cotton-boll weevil is one of almost vital importance to this entire Nation. Cotton and its by-products in the year 1909 were worth to this great country in round numbers a billion of dollars. It keeps intact the very gold reserve of this Nation, and it clothes nearly three-fourths of the population of this entire world. Whereas bread is a necessity, so are clothes. This great crop is attacked by the boll weevil, which first made its appearance in the great State of Texas, the first cotton State in the Union. Mr. Chairman, this destructive enemy to cotton to-days remains in Texas, yet at the same time it is marching in large numbers onward toward the east in order that it may find new territory to attack and destroy.

The only remedy which has been presented to-day is that of an intensified system of agriculture and an early variety of cotton seed, with wide rows, in order that the sun's rays may heat and to some extent destroy them. But, sir, it appears up to date that there is only one way to destroy them, and that is to sweep them up into the middle of these rows and consume them with fire. In other words, the only remedy which it seems has been developed that is at all effective is sulphur ignited.

Now, Mr. Chairman, the great State of Texas, in my opinion, had they not adopted the course promulgated by Dr. Knapp, would to-day be making less than 1,000,000 bales of cotton. The reason that I suggest this is from the fact that she has increased in her population nearly 30 per cent, and she has added thousands of acres of land to the cotton industry. Yet the State of Texas this year is only making about the same amount of cotton which she made 10 years ago.

Now, Mr. Chairman, the State of Georgia, my native State, the second cotton-growing State in the Union, is justly aroused and alarmed on the approach of this deadly enemy to our cotton. It is said that the weevil advances at the rate of 60 miles

a year, and, if this is true, in less than three years they will enter the State of Georgia. The conditions of Georgia are different from those in the State of Texas. Surrounding almost every cotton plantation are groves and forests in which these pests can hibernate and increase. If they continue as they have started in Texas, Mr. Chairman, they will pass through Georgia leaving destruction, and the same conditions that apply to Georgia will apply to the Carolinas.

It has been said, sir, that cotton is too high. As a producer of cotton, I deny that charge. But, Mr. Chairman and gentlemen of this House, my convictions are that if something is not done to check and to control this destructive weevil, ere long cotton will be as costly as silk.

Mr. Chairman, an increase in this paragraph has been made to the amount of \$35,000, making the total appropriation \$278,055. I sincerely hope that this House will agree unanimously to that increase. [Applause.]

Mr. TILSON. May I ask the gentleman a question?

Mr. HUGHES of Georgia. Certainly.

Mr. TILSON. Does the gentleman, speaking from his large experience as a grower of cotton, think that success is being met with in the attempt to destroy this boll weevil?

Mr. HUGHES of Georgia. I think the success has been exceedingly limited, for in the great progress of these destructive insects I do not believe they have been checked in their onward march one furlong since they first entered the great State of Texas.

Mr. TILSON. Is the gentleman hopeful that this appropriation or future appropriations that may be made will help destroy them?

Mr. HUGHES of Georgia. I think the demonstrations that have been inaugurated have to a large extent helped Texas. Instead of making 2,500,000 bales of cotton this season, I do not believe they would have made a million bales had it not been for conducting these investigations.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have had no experience with the boll weevil and have had no opportunity to observe the results reached by following the advice and adopting the cultural methods recommended by the experts of the Department of Agriculture. The weevil has just made his appearance in my district, and the cotton growers there are naturally apprehensive and more or less alarmed by the stories of the havoc which this pest has wrought in other sections. I think it would be a mistake to attempt to minimize the danger which now threatens us, but I believe it would be an even greater mistake to send out to the country only stories of calamity and thereby create a spirit of panic among the cotton planters, because if the farmers are going to abandon the cultivation of cotton or are going to refuse to furnish their tenants, which means the same thing, then we certainly will have a repetition of the disasters which have befallen all the other sections where this suicidal policy has followed the advent of the weevil.

Now, Mr. Chairman, I am going to ask permission to print in the RECORD some newspaper clippings which are simply the publication of letters written by men who have been able to raise cotton under the very worst boll-weevil conditions. These letters show the cultural methods pursued and give in detail the results of these methods, and I hope by printing them in the RECORD to give them circulation throughout my district, and in this way to give every man interested in the subject the benefit of the experience of some, at least, of those who have been brought face to face, so to speak, with this most destructive pest.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to print certain matter in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

#### COTTON IN SPITE OF BOLL WEEVIL.

GILBERT, LA., November 10, 1910.

Mr. W. L. CHASE, Chase, La.

DEAR SIR: In answer to your inquiry as to our results as to the raising of cotton under weevil conditions, I beg to submit the following report for the year 1910:

L. M. Calhoun, Jr., has ginned 79 bales off of 80 acres, weighing 500 pounds each, with 10 pounds lint over. He has ginned 91 bales off of what he estimated to be 90 acres when he planted, weighing 500 pounds each, with 139 pounds lint over. I inclose you a picture of his cotton, taken October 1, 1910. One picking had been taken off his cotton previous to the taking of the photograph. The man on the horse does not show the full height of cotton, as he is standing on a mound. The man on the mule shows the proper height. You will note the mule's head above the cotton.

W. H. Whittington, of Gilbert, La., has ginned 10 bales from 11 acres, weighing 510 pounds each, with 500 pounds seed cotton over.

T. B. Gilbert, Jr., of Wisner, La., has averaged three-fourths of a bale per acre on 1,000 acres. Much of this cotton has made a heavy

bale per acre. I can not give you the weights, as he has not completed ginning.

W. P. Butler, of Chase, La., has ginned and sold five bales of staple cotton from 7 acres, with the following weights—515, 555, 600, 585—which sold at 24 cents per pound f. o. b., netting him \$684 for the lint and \$752.19 for seed and lint, besides saving one bale of seed for planting.

A. W. McDuff, of Chase, La., made one bale per acre. I have not gotten weights yet.

A. W. Sanders, of Chase, La., reported to me 20 bales from 21 acres. I will report the weights to you later.

This is a fair sample of the results we are getting here under boll-weevil conditions, by cooperating fully with the representatives of the cooperative demonstrative work, in charge of Dr. S. A. Knapp, of Washington, D. C.

Yours, very truly,

L. M. CALHOUN, District Agent.

**BOLL-WEEVIL SITUATION—MR. W. W. MANGUM, OF NEW ORLEANS, WRITES COMPREHENSIVELY.**

The following letter on the boll-weevil situation should be carefully perused by every planter in the infected district. It is written by a man who has studied the condition and knows what advice to give:

YAZOO CITY, MISS., December 31, 1910.

MR. W. W. MANGUM,  
1907 Napoleon Avenue, New Orleans, La.:

DEAR SIR: I understand that you had a good deal of experience in raising cotton in boll-weevil conditions. I would appreciate it if you would write me a letter giving me the value of your experience, especially along the line as to the character of cotton to plant; whether you can successfully raise long-staple cotton under boll-weevil conditions; the time the cotton should be planted; how wide apart the rows should be planted to the mule; and whether or not there is any special benefit derived from picking up the punctured squares; and any other information you can give me as to how to raise cotton under boll-weevil conditions.

A reply to this will be appreciated.

Your friend,

T. H. CAMPBELL, Sr.

P. S.—I would like to publish your letter, as I think your information would be valuable to every farmer in this county, as the boll weevil is undoubtedly here, and this is the second, and in some places the third year of his appearance.

MR. MANGUM'S REPLY.

NEW ORLEANS, LA., January 3, 1911.

T. C. CAMPBELL, Sr.,  
Yazoo City, Miss.

DEAR MR. CAMPBELL: Yours of 31st to hand. The questions you ask in regard to boll weevils require a letter at length in order to cover the subject.

From personal observation, investigation, and experience I unhesitatingly state that under following conditions paying crops of cotton can be grown:

First. A selection of good, pliable soil, easily drained. No stiff or cold lands.

Second. Cleared of all grasses and weeds, cornstalks and cotton stalks included, before the planting is done, in order to make it become homogeneous, which enables it to become warm sooner, thus germinating seed much quicker.

Third. A selection of some one of the early prolific varieties of seed and plant as early as season will permit—not later than April 10.

Fourth. After chopping to a stand, the most vigorous, active, continuous cultivation should be, must be kept up in order to force growth and maturity and to cover up all of the fallen squares that may be caused by weevils that the squads can not pick up and destroy. (If good results are expected.) If this is done the farmer will get good results.

Fifth. The squads should be taught to watch and pick up fallen squares as soon after cotton begins to form, and keep it up as long as practical. After July 1 it is useless; the cultivators and sweeps should cover those that fall later, and run until picking begins. (It is well to remark that it is a scientific fact that the weevils do not mate or copulate until squares are formed.)

From closest observation and my results obtained on large plantations in Louisiana the past year of 1910, I know that those who acted upon the foregoing brought good results out of disastrous years preceding and hope out of despair. Many had and have practically abandoned large, valuable plantations, and tried rice. A ride through them looks like desolation, and for many of them it is so, for at least the present. I cite one instance. A large cotton-planting company of Tensas Parish planted only a small acreage in cotton in 1909. Realizing later that it was folly to give up such land, they determined upon the new method, as outlined in the foregoing of this article, and made 1,160 tied bales of cotton in 1910, 300 pounds to the acre; besides plenty of corn, thousands of bushels to sell; and have sold a lot of hogs, etc., and all seed and cotton turned into money, with a net result of over \$40,000 clear profit over and above all disbursements. There are others who have done proportionately as well, but they are very few. Many others have continued on large scale, but, due to improper efforts and selection, have made heavy losses.

I see clearly that there is no advantage to be gained by planting in wider rows in this valley. I would not make any change in them, and am inclined to leave the stand closer, because, with better preparation and more vigorous tilling, the cotton will fruit more rapidly and the percentage that will mature will increase yields. Except experimentally and with scientific application of commercial fertilizers, I would not waste any time or money on long-staple cotton. On a large scale it may cause too great a loss.

For years I have in a most practicable manner tried the different varieties. I give you the name of varieties that I tested:

First. Kings is the earliest and shortest staple.

Second. Tooles Prolific  $1\frac{1}{2}$  staple, about one week later.

Third. Triumph, a big boll, rather prolific, and about 7 to 10 days later than Kings; but it is  $1\frac{1}{2}$  staple.

Fourth. Simpkins, quite early, but an unsatisfactory variety, as compared to others. (Anything from Carolinas is called Simpkins.)

It takes of Kings, Tooles Prolific, and Simpkins about 80 bolls to make a pound, while it takes only 55 bolls of the Triumph. The advantage of the large boll is this: First, it has a thicker hull and

no doubt is harder to penetrate as it matures than the smaller varieties; again, if one lock in the larger boll is destroyed the remaining locks will give as much lint as there will be in the smaller boll, not affected by a weevil. The foregoing points in regard to size of bolls and length of staple should meet with careful consideration and be tested fully by the individual planter. It is the only way that I obtained this knowledge. The Government recommends highly, too, the Cleveland Big Boll, not the Russell Big Boll.

I found that Tooles Prolific, on average 1,000-acre crop, gave a yield of  $36\frac{1}{2}$  per cent of lint. It is the highest on a large scale I ever got. The Triumph, on 300 acres, gave  $34\frac{1}{2}$  per cent. The King never gave me over  $32\frac{1}{2}$  per cent of lint.

I suggest that you ask the Alexander Seed Co., of Augusta, Ga., to secure you a few bushels each of selected Kings and Tooles. It was six years ago that in reply to an inquiry they advised me to test Tooles. I have not regretted it. I had for years before planted the Kings. Then I would write W. F. Brown & Co., produce men, Memphis, and ask them to secure you some of the same kind of Triumph that they sold me two years ago. Both firms are good, reliable people.

If you are going to plant largely this year, and you can secure enough of these three varieties to make a full planting, I certainly would do so, though the prices will make a good big hole in your bank account; but it will be small compared to the hole that will be there at the end of the year unless you do get such varieties and see that they are properly planted and worked.

The good results of anticipating the approach of the weevil will be that the farmer will have started raising root and grain crops and stock in connection with the certainty of a money crop.

If your farmers will only realize that Louisiana made over 1,000,000 bales of cotton six years ago and rapidly decreased to 275,000 in 1909 and will not get over 250,000 in 1910, they can feel confident that in a few years—unless they begin preparations immediately along the lines suggested in this article and follow it up—there is no reason to hope or expect Mississippi to make over 700,000 bales in 1913; and those (I fear only a small proportion) who do try will get the benefit of the certainty of continued good prices—for the yield of Texas, pounds per acre, can never grow any larger. This error in thinking that Texas makes as much cotton as it did before the weevil existed consists in the fact that the acreage has increased enormously year after year, and since 1892, when the weevil appeared, there are over 40 counties planting now that were uncultivated then. It, too, is practically a prairie without weeds, woodlands, and it is hot and dry, while we have hibernating places everywhere. Again, the population since then has increased over one and one-fourth millions. The spread of the weevil is so certain, so steady, that until natural laws introduce parasites that will occasionally lessen them, you and I will not see another bumper crop—i. e., per acre—nor will we see any more very cheap cotton. Surely the warnings that the States and that the Government and the sad result of a State like Louisiana—crop being reduced from \$80,000,000 six years ago to only \$20,000,000 the past year—should be incentive to every cotton grower to be up and doing. It is folly to cowardly lie down and give up.

I forgot to mention that it is very important where two mules or horses can be used, riding or walking, double or wheel cultivators should be used. From 5 to 7 acres a day can be made with one hand and far more satisfactory work is done; and after each row is driven down it is ready for a rain. It is one of the economies greatly needed.

Wishing you a prosperous New Year, I am, your friend,

W. W. MANGUM.

#### SUCCESSFUL PLANTERS IN BOLL-WEEVIL TERRITORY.

The following letters are self-explanatory:

MR. G. H. ALFORD,

West Jackson, Miss.

DEAR MR. ALFORD: I planted 160 acres in cotton this year. I have tied 73 bales. I planted on land that was in corn and peas last year and turned under deep with disk plows in the fall.

I planted Allen's Hybrid, Simpkins, Triumph, and Cleveland's Big Boll. I can't say positively which of the short staples I like best, but I lean to the Triumph and Cleveland. It may be that the Simpkins was more prolific, but the fiber is not as good and does not command the price.

I used no fertilizer this year, but expect to experiment with acid phosphate a little next year.

I cultivated the cotton once a week until the last of August. I also picked the weevils and squares until the middle of July. I do not think that it pays to pick the squares after the second crop; then cultivate instead.

I feel confident that we can raise profitable crops of cotton on rich, well-drained land. I think that the season cut my yield off half. I had to plant my crop over from April 28 to May 10.

In the 160 acres of cotton is included 8 acres of long staple, planted May 15. The weevil played havoc, as it only made 800 pounds of seed cotton. This cotton pulled the average down, and the price will have to be high to make it profitable over the short early cottons.

B. G. HUMPHREYS.

PORT GIBSON, MISS.

DR. H. GUY HATHORN,

Columbia, Miss.

DEAR DOCTOR: I will endeavor to answer your questions in regular sequence.

First. Character of land? Both upland and alluvial.

Second. We planted from 1,000 to 1,200 acres of cotton. While a great deal of it this year makes 500 pounds of lint per acre, we suppose that the average is about 375 pounds.

Third. We pay no attention to the acreage per mule, but see to it that we have plenty of teams to thoroughly work the crop.

Fourth. We destroyed all stalks by cutting and burning last fall, and did considerable winter plowing, but not all.

Fifth. We think the early destruction of stalks the keynote to the situation in a normal year, but in the present instance I believe that the freeze here has accomplished the same result.

Sixth. We picked up and destroyed squares till about the middle of July, and consider it as important as stalk destruction.

Seventh. Rows about  $4\frac{1}{2}$  feet; in drills, 2 to 3 feet.

Eighth. Money-maker, Tooles & Simpkins; in fact, any early variety.

Ninth. Did not use any fertilizer—unnecessary here.

Tenth. Plant as early as possible, say, April 1 to 15.



This, we believe, answers your questions in full. We have had the weevil for four years; during the first two years demoralization reigned supreme; now I can say that during an experience of 25 years there is more money and prosperity here than I ever saw.

T. B. GILBERT, Wisner, La.

FRIEND ALFORD: I planted 35 acres in cotton and made 18 bales. I made 9 bales on one 12-acre cut. I did not use any fertilizer.

I broke the land good and deep with two-mule plows and cultivated the beds down and made a good seed bed. As soon as the cotton began to come up I harrowed on top of the beds. The cold killed the cotton, and I had to plant over.

It began to rain soon after the cotton came up the second time. I barred it off and plowed out with turning plows as often as possible and as often as I could catch it dry enough. I cultivated the beds down. The wet weather continued, and I continued to plow the cotton in order to keep down the grass and weeds. I continued to tear down the beds between plowings. Early in July the rains held up, and I used the cultivators once each week, and sometimes oftener. By this means I got an early growth of the cotton; and, as numerous as the weevils were this year, the cotton put on squares faster than the weevils could puncture them.

I checked the weevils early in June by picking them off the little cotton and later by gathering the punctured squares. I do not think that it pays to pick the squares until late in July.

We can make cotton, notwithstanding the weevil, on a small scale—say 4 to 6 acres to the mule; make up the acreage in other crops that we can use at home and feed to stock. By pursuing this course we will soon be independent.

C. C. GOZA, Port Gibson, Miss.

[Clipped from the Vicksburg Herald.]

#### RAISING OF COTTON DESPITE THE WEEVIL—HOW IT MUST BE DONE ON DELTA SOIL.

The following interesting correspondence concerning proper cotton-producing methods, which should be applied in Delta soil infested by the boll weevil, will prove of great importance and value to the reading public, and especially to planters:

GILBERT, LA., December 31, 1910.

MR. J. A. EVANS,  
State Agent, Shreveport, La.

DEAR SIR: I beg to submit the following letter on "The raising of cotton under boll-weevil conditions on the Delta soil," and ask that it be published and distributed in the Mississippi Delta. Planters, merchants, and board of trade have repeatedly written me for this information.

##### 1. The labor problem.

To raise cotton profitably under weevil conditions requires better farming. To do better farming requires good labor perfectly controlled. Therefore the labor problem should be the first consideration.

Do not become demoralized and let your labor leave. Your lands are worth but little without labor with which to cultivate it. Keep your labor and see that every man who is willing to work and make an honest living is given an opportunity. Help a man if he is willing to help himself.

##### 2. The boll weevil.

It is necessary for every farmer to understand the habits and characteristics of the weevil in order that he may intelligently combat him. We are indebted to the Bureau of Entomology for this information. The average period of life of the hibernated weevil is about seven months. A weevil developed November 1, 1910, would have lived his average period of life by the 1st of June, 1911, at which time cotton has not begun forming in the Delta country. We can, therefore, reasonably expect but a very small per cent of weevil developed not later than November 1 any year would be alive to do much damage to the crop the ensuing year. It would be only necessary to destroy all punctured forms and prevent the raising of new generations until this small per cent of wintered weevils died. Then the fields would be clear of weevils as far as material damage to the yield until the migrating period, about August 10. The wintered weevil continues to come to the cotton from early spring until July 1. At this period he confines himself to a small area, not even passing across a turn row to another cut. It is therefore profitable to you to fight him even if your neighbor does not. His traveling is principally done in the early fall. After passing through the winter without food he is so weakened that he is unable to travel a great distance in search of cotton. It is the weevil that winters in or very near your farm that infests your cotton. By cleaning and burning hedgerows, trees, and stumps you destroy many of them.

##### 3. Good drainage.

Good drainage is very essential in the making of cotton profitably on the Delta soils. There are three basic benefits from good drainage I wish to emphasize, viz: 1. It permits the air to penetrate deeply into the soil and fill the air chambers that were previously filled with water. This, aided by heat and moisture, is constantly converting the insoluble matter into available plant food for the next crop. 2. It enables you to cultivate rapidly and intensively without much loss of time from rainfall. 3. The soil warms and grows the plant to maturity much earlier, which is very important in the raising of cotton under weevil conditions.

##### 4. Soils best adapted.

The soils that raise the best crops of cotton without the weevil are best suited to raise the best crops with the weevil. All of our demonstrations for three years have given the best yields from very fertile soils. Buckshot soil, where properly drained, has given magnificent yields.

In the Delta we have three soil formations—bluff, alluvial loam, and buckshot. On the bluff soil the water line is near the surface, and it should not be broken deeper unless you have a sufficient drainage to lower it. About 5 inches is at present the proper depth for breaking. The buckshot soil should be broken very deep. The deeper the better. Where it is practical, all land should be broken in beds, as it drains better and runs together less than when flat broken. Nothing should be burned from the land that can be plowed under and add organic matter to the soil. All seed beds should be made in time to settle before planting.

##### 5. Seed varieties.

There are many standard improved varieties of cotton that are good. Our experience in a successful fight of three years has resulted in the adoption of King's Improved, Simpkins, Broadwell's Double-Jointed, and

Money Maker. The three former varieties are similar. Small stalk, light foliage, small boll, prolific, earliest to make and open, and must be picked early or it will waste. Staple very short.

The Moneymaker is a stalk of greater vitality, good size, and medium foliage, bolls medium size, nine days later to bloom than above-mentioned varieties, but after this period fast and prolific, a great favorite on the bluff soils. All farmers should, where it is practical, save their own planting seed. (See Dr. S. A. Knapp's pamphlet on seed selection.) Home-grown seed possesses advantages over seed grown from other soils and in other climates. Where properly culled and saved they maintained their earliness in making and produce a stalk of greater vitality, capable of withstanding adverse weather conditions and minor insect pests. They will also produce a stronger and better staple, frequently commanding a premium. It is a good business proposition from an economic standpoint. You also avoid the danger of inoculating your soil with the germ of dreaded cotton wilt from infested territories. Plant as soon as danger of frost is over on a well-settled seed bed with surface well pulverized with harrow.

##### 6. Distances.

Cotton should be given no greater distance in width of rows or drills with the weevil than was necessary on the same land without the weevil to get a maximum yield. Width of rows 4 to 5 feet, distance in drill 16 to 24 inches. The more fertile the land the greater the distance. You can not depend on sunshine, as there is seldom time in June or July when there is not a sufficiency of moisture to hatch the weevil if the form is left on the ground. A good stand of cotton is more necessary with the weevil than without.

##### 7. Cultivation.

In the early stages of cultivation the farmer should hold the purpose rather than the method of execution in view. As adverse weather conditions might interfere with his method, but nothing should interfere with the purpose of getting the plant thinned out, clear of vegetation, and in good growing condition as early as possible, using the implement that will do the greatest amount of and best work at the least cost. On the fertile soils of the Delta with an excess of moisture, aggravated by the weevils, puncturing the early forms, the plant is likely to grow too fast at the expense of fruit. It is safe to cultivate at this stage by plowing close and deep around the plant, cutting its lateral roots, reducing its feeding surface until the weevils give away and the plant begins loading with forms. As dry weather approaches reverse to a flat shallow cultivation and continue weekly until August 15 or later. With the excessive rainfall and insufficient drainage it is impractical to entirely dispense with the turnplow in the cultivation of a cotton crop on the Delta soils. We believe the time is not far distant when we will have a drainage system of canals and tiling, and will then be able to cultivate exclusively with improved implements. But until that time comes we must educate the farmer to use the turnplow intelligently and to know when not to use it. In the cultivation of cotton with the turnplow care should be taken to use a stick break on the wing to prevent its throwing too much earth to the cotton, thereby breaking the lower limbs.

The cultivation of our cotton through the rainy period of 1909 and 1910 was done with the turnplow and Dixie cultivator. Changing as the plant became well fruited and dry weather approached to 6-inch corn shovels with 24-inch heel sweeps run flat and shallow on an iron-foot Georgia stock. On the coco lands using Planet, Jr., cultivators and solid sweeps.

##### 8. Fertilizers.

It is not profitable to buy commercial fertilizers for cotton on the Delta soils, as they contain an abundance of nitrogen, phosphorus, and potash, being only deficient in organic matter, which should be supplied by crop rotation and legumes. A heavy crop of pea vines is of more value than \$10 worth of commercial fertilizers per acre. Our best yields of cotton are made on pea-vine land.

##### 9. Destruction of punctured forms.

All punctured forms should be picked up and burned, beginning with the first sign of puncture and kept up weekly until the natural shedding of the cotton becomes great. In 1909 and 1910 we destroyed forms until August 11. By this method you would lose but little from punctured bolls by the migrating weevil. Do not stop to figure on cost. Our farmers are doing it and make more clear money raising cotton with the weevil than before his appearance.

##### 10. Destruction of stalks.

All cotton stalks should be destroyed not later than November 1, either by cutting and plowing under completely, eaten by cattle, or cut and burned. This is necessary to prevent the raising of late generations of weevils. As it is, they that live do the greatest damage to the following crop. This year the freeze, October 28, killed the weevil in the egg, larva, and pupa stages, and did for us what the destruction of the stalk would have done. In 1908 with these methods we made three-fourths of a bale per acre by August 10, the weevils getting all the cotton after this date.

#### EXHAUSTIVE EXPERIMENTS—JAMES B. ALLEN TESTS THE RELATIVE PRODUCTIVENESS AND VALUE OF VARIOUS KINDS OF COTTON.

Having made a test of 13 different varieties of cotton during the season of 1910, under boll-weevil conditions, and knowing that many will be interested in the result, I now make it public.

This test was made on level uplands that have been in cultivation for 75 years, and that were planted in corn and peas the previous season. All cotton stalks on the plantation had been cut and burned before November 15, the previous fall, the boll weevil having been in this section for three years.

The land was broken up in the fall into rows 4 feet 3 inches wide, and was gone over once with a disk harrow in January. Three hundred pounds of fertilizers per acre was applied, composed of equal parts of acid phosphate and cottonseed meal, when land was rebudded, a few

When the cotton was up to a stand it was cultivated with Planet weeks before planting. Junior cultivators, with 8-inch sweeps on right and rear arms and ordinary teeth on other arms, running as close to the cotton as possible without injuring it. This mode of cultivation was continued throughout the season as often as necessary, occasionally running down the water furrow with a middle buster. The cotton was chopped out when it had its third and fourth leaf on it, leaving one and two stalks every 18 to 20 inches, and was hoed later whenever necessary.

The boll weevil made their appearance after the cotton was cut to a stand, and as soon as found commenced picking them out of the terminal buds, where 95 per cent of them were found. This was mostly done by children.

As soon as the little squares commenced to form, 2 pounds of powdered arsenate of lead per acre was applied with a Champion dust gun. This gun blows the poison down into the buds and squares of the cotton where the boll weevil feeds. This poison was applied every eight days until four applications had been made. A man can cover from 4 to 6 acres per day with one of these guns.

The weevil were caught and punctured squares picked until August 1.

The extra expense incurred above the ordinary cultivating expense was as follows:

300 pounds fertilizers.....	\$3.00
8 pounds arsenate used.....	2.00
Labor of applying poison.....	.50
Picking weevils and squares.....	1.00

Total per acre..... 6.50

There were almost continuous rains during the time that the poison was being applied, which prevented getting the fullest benefit from the use of the poison.

Table giving complete data of experiments.

Variety.	First picking.	Second picking.	Last picking.	Seed cotton per acre.	Per cent of lint.	Length of staple.	Pounds lint per acre.	Pounds seed per acre.	Price of lint per pound.	Value of lint per acre.	Value of seed per acre.	Total value lint and seed per acre.
Allen's Early.....	450	500	437	1,387	29	1 1/2	402	985	30	\$120.00	\$12.80	\$133.40
Unknown.....	700	350	200	1,250	32	1 1/2	400	850	27	108.00	11.05	119.05
Allen Culled.....	375	500	237	1,112	28	1 1/2	311	801	30	93.30	10.41	103.71
Allen No. 1.....	370	400	370	1,140	27	1 1/2	307	833	30	92.10	10.83	102.92
Keno.....	560	475	187	4,212	31	1 1/2	375	837	24	90.00	10.88	100.88
Peach Bloom.....	550	400	187	1,137	32	1 1/2	363	774	24	87.12	10.06	97.18
Hubbard.....	450	425	212	1,087	29	1 1/2	315	772	24	75.60	10.03	85.63
Cleveland Big Boll.....	700	550	213	1,403	34	1	498	965	14 1/2	71.00	12.54	83.54
Mexican Big Boll.....	525	500	237	1,262	33	1 1/2	416	846	16	66.56	10.99	77.55
Poor Man's Friend.....	650	375	175	1,200	35	1	420	780	14 1/2	59.85	10.14	69.99
King.....	700	350	150	1,200	33	1 1/2	402	798	14 1/2	57.28	10.37	67.65
Ounce Boll.....	750	325	125	1,200	32	1 1/2	378	822	14 1/2	54.81	10.68	65.49
Simpkins.....	500	375	87	962	35	1 1/2	333	626	14 1/2	47.88	8.13	56.10

STATE OF MISSISSIPPI, Claiborne County:

This day personally appeared before me, the undersigned authority, James B. Allen, who being by me first duly sworn, states on oath that the above and foregoing statement is full, true, and correct.

JAS. B. ALLEN.

Sworn to and subscribed before me this 4th day of January, 1911.

A. K. BRASHEAR, Chancery Clerk.

All these varieties of cotton were planted on the 19th day of April with a cotton planter, the Simpkins being planted over on the 7th day of May on account of very poor stand. The other varieties all had good stands.

The yield of the Simpkins was about 17 per cent less than other varieties of the same type. This loss was caused by the later planting of the Simpkins.

This test certainly proves that cotton can be grown at a good profit under boll-weevil conditions; and, furthermore, that the long-staple varieties yield a much greater profit, not only this season, but the same was the case in 1909 and also in 1908, as shown by experiments conducted in the Red River Valley by the Louisiana State Crop Pest Commission and published as their circular No. 26.

The use of powdered arsenate of lead has helped make these large yields possible under boll-weevil conditions.

JAS. B. ALLEN, Port Gibson, Miss.

The following list, showing areas cultivated and the yield per acre in Franklin County, La., where the boll weevil is doing his worst, was furnished me by Dr. S. A. Knapp, of the Department of Agriculture:

Yields of cotton in Franklin County, La., in 1910.

[L. M. Calhoun, agent.]

Name.	Acres.	Yield per acre.
		Pounds.
J. M. King.....	5	1,300
T. B. Gilbert, Jr.....	200	1,800
W. M. Gulce.....	3	1,000
T. M. Guffing.....	2	1,200
A. A. Bush.....	5	993
J. H. Baker.....	20	1,000
J. W. Phillips.....	5	1,452
I. N. Williams.....	4	1,200
D. Ignan.....	10	1,450
J. W. Liles.....	9	1,550
A. M. Scott.....	14	1,004
G. L. Ross.....	8	1,800
E. Mason.....	3	1,560
Prince Swazy.....	12	1,395
W. B. Grayson.....	2	1,485
William Mathis.....	12	1,180
W. B. Jones.....	28	1,500
W. P. Dalley.....	10	1,450
T. J. Matthews.....	10	1,611
A. S. Brooks.....	6	1,200
G. S. Robinson.....	3	1,700
J. M. Prince.....	3	1,805
R. M. Ward.....	8	1,152
D. W. Green.....	4	1,644
Geo. Thombuay.....	8	1,233
T. M. Calhoun, Jr.....	50	1,500
A. W. McDuff.....	3	1,505
W. P. Butter.....	7	1,225
E. M. Hicks.....	100	1,200
P. W. Forman.....	6	1,200
J. W. Guffney.....	10	1,800
J. T. Collins.....	125	1,500
Cain White.....	10	1,400
W. T. Packs.....	5	1,000
Hosgood Bros.....	60	1,800
W. H. Whittington.....	6	1,500

Yields of cotton in Franklin County, La., in 1910—Continued.

Name.	Acres.	Yield per acre.
		Pounds.
M. E. Gilbert.....	6	1,500
Zet York.....	23	1,375
T. H. Lusk.....	6	1,554
B. T. Johnson.....	6	1,030
W. G. Scott.....	6	800
F. L. Maxwell.....	2,000	900
T. H. Heard.....	7	1,577

The list above includes all demonstrators working under Mr. Calhoun reported to this office. All are working under boll-weevil infestation.

The Clerk read as follows:

For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, \$46,730.

Mr. SCOTT. Mr. Chairman, the gentleman from South Dakota [Mr. MARTIN] desired to offer an amendment to this paragraph, but was unavoidably called away from the Chamber to-day, and therefore I would ask that it be passed without prejudice.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the paragraph be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

In all, for general expenses, \$1,342,321.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman if he can give us any information as to the testing garden at the Fort Brown Military Reservation in Texas. That is included in the paragraph commencing in line 13, on page 22. What particular line of work is done at that place?

Mr. SCOTT. The work done at that garden is in connection with the introduction and adaptation of plants that are suitable to the semiarid regions. Plants that are brought in from other countries, or that it is thought may, by hybridization and other breeding methods, be improved in this country, are taken to that experiment station.

Mr. NORRIS. How long has it been in operation?

Mr. SCOTT. I am not able to answer that question.

Mr. NORRIS. Several years?

Mr. SCOTT. I think so.

Mr. NORRIS. Can the gentleman give the House any idea as to what kind of plants, what breed of plants and trees, are tested or raised there?

Mr. COCKS of New York. All kinds that are suited to that climate.

Mr. NORRIS. Oranges, figs, English walnuts, and all such things as that?

Mr. COCKS of New York. Yes.

Mr. SCOTT. The only answer that was given to that question when the chief of the bureau was before the committee was that this garden was used for testing and adapting plants



that were suitable to the southwestern section of the country. Of course, that is a very broad and indefinite statement.

Mr. NORRIS. That is rather indefinite.

Mr. SCOTT. I am sorry I am not able to answer more specifically.

Mr. NORRIS. How large a tract is included?

Mr. SCOTT. I do not know; it has been so many years since the matter came directly before us. But probably only a few acres, as the garden is merely part of a military reservation.

Mr. NORRIS. I withdraw the motion, Mr. Chairman.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

In the construction of the Panama Canal expenditures of large amounts have been made by this Government for the elimination of the mosquito, and the work has been so successful that operations have been carried on there without the loss of life that was so pronounced during the French administration.

We have just passed a paragraph that includes an appropriation to prevent the spread of the boll weevil and to stop its onward course from Texas north; a very excellent provision, and one with which I am in entire accord.

We have also passed a paragraph which provides for investigations in connection with the utilization of lands reclaimed under the reclamation act.

Now, Mr. Chairman, I take it that lands that are reclaimed would tend to improve the healthful conditions of the people, and that the improvement of streams, and particularly their clarification, would tend to remove the mosquito.

The mosquito has settled upon this country, coming in from the east and moving toward the west, and those of us who go from the east to the west observe that the mosquito is coming in from the west and is moving on toward the central part of the country. Then again there are some of us who have gone over the Canadian border who have found a mosquito there of larger size and rapacity, moving steadily upon the central part of the country.

Mr. BUTLER. Has he got a longer bill?

Mr. MOORE of Pennsylvania. Then again there are some of us who have gone into the Southland who have observed that a mosquito peculiarly ferocious is moving steadily toward the north.

Mr. BUTLER. How does the Canadian mosquito compare with our Cape May friends? [Laughter.]

Mr. MOORE of Pennsylvania. It is a little larger, but its sting is just as perceptible.

I wanted, Mr. Chairman, to address the House for a moment upon this subject, because there are some States of the Union that have taken into consideration the annoyance of the mosquito, and have made appropriations with a view of getting rid of it. At least investigations are pending. These investigations sometimes assume the practical form of drained lands and of improved waterways. I desire to ask the gentleman in charge of the bill if he will tell the House whether the Government itself is taking any steps through any of the investigations that have been referred to, to rid the United States of this great pest, the mosquito, which interferes with commerce, interferes with the development of the soil, and which certainly destroys the pleasure of a great many people in the summer time.

Mr. MANN. At Atlantic City, especially.

Mr. SCOTT. The Government, through this department, is doing no work to physically destroy the mosquito. The Bureau of Entomology has been studying the mosquito for a number of years and has published bulletins from time to time suggesting ways in which the insect may be destroyed or, at least, its numbers diminished, but that is the extent of the work that has been done by the department.

Mr. MOORE of Pennsylvania. Does not the gentleman think that the tiller of the soil would be better able to go about his occupation and would produce better results; that the worker in the open everywhere along the coast and in the interior and on the border lands of the country would be better satisfied to do his toil if we paid some little attention to the destruction of a pest which interferes with his health and which carries disease?

Mr. SCOTT. I think the gentleman's question may be answered in the affirmative, although the mosquito is not a pest in the part of the country from which I hale.

Mr. MOORE of Pennsylvania. The gentleman has the advantage of the sunflower in his country, and that is a deterrent.

Mr. SCOTT. I should not be willing to commit myself offhand now to the proposition that the Government should go into the business of destroying the mosquitoes of the United States.

Mr. MOORE of Pennsylvania. The gentleman will not object to my calling the attention of the country in this feeble

way to the fact that large sums are being expended by the Government for the purpose of removing certain pests, and rightly so, but that this one great pest, which remains as a menace to the health and comfort of the American people, is not being investigated in any practical way by the Department of Agriculture.

Mr. SCOTT. In reply to the gentleman, I may say that there is a very strong warrant for all the work the Government is now doing to eliminate other pests, in the interstate-commerce clause of the Constitution. It is in direct promotion of the commerce of the country that the boll weevil is attacked, and it is under the general-welfare clause that other pests are combated. But I doubt very much whether the presence of the mosquito interferes with interstate commerce to the extent that would warrant the Federal Government in undertaking its extermination.

Mr. MOORE of Pennsylvania. Would it not interfere with interstate commerce if an American citizen who carried a package from one State to another should be bitten by a mosquito and obliged to drop it across the line?

Mr. SCOTT. The gentleman's question answers itself.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Pennsylvania seems to have made a study of this subject.

Mr. MOORE of Pennsylvania. I have made a study of it because it comes home with painful regularity every summer.

Mr. COOPER of Wisconsin. It is a subject of much importance. I have never read a story of nobler service and more heroic martyrdom than is that of the Americans in Cuba—officers, surgeons, soldiers, civilians—who risked, some of whom deliberately sacrificed, their lives to prove that yellow fever is carried by mosquitoes.

Mr. BUTLER. Was it not a female nurse who exhibited that heroism?

Mr. COOPER of Wisconsin. These men allowed themselves to be inoculated with the virus to demonstrate, and they did demonstrate, that this terrible disease is transmitted by mosquitoes.

Mr. BUTLER. I thought that heroism belonged to a woman, a nurse.

Mr. COOPER of Wisconsin. No; the honor belongs to these men. If the gentleman from Pennsylvania [Mr. BUTLER] wishes to read the story he will find the book in the Library. It is a record of the rarest human bravery—of bravery approaching the sublime. In defiance of all the old traditions and beliefs, and to prove that the terrible disease is not one of mere contagion, some of these men laid down to sleep surrounded by clothing from the beds of persons dead of yellow fever, and they remained unharmed. Others, to prove that yellow fever develops from a poisonous germ in the blood, permitted themselves to be bitten by mosquitoes which had had recent access to the corpse of one of its victims. All of these were stricken with the fever; some died of it.

The tiny bite of an infected mosquito brought the fever.

To-day yellow fever has ceased to ravage Cuba and our southern States. We find it but very rarely in Panama.

It is not a jocular suggestion that is made by the gentleman from Pennsylvania. I wish that there might be some way devised to annihilate the mosquito everywhere, because physicians of eminence declare that some dangerous diseases besides yellow fever come from inoculation by mosquitoes.

Mr. MOORE of Pennsylvania. If the gentleman will allow me, is it not the gentleman's information that the failure of the French in the construction of the Panama Canal was due not alone to financial reverses, but to the death of so many of the workmen from fever carried by mosquitoes?

Mr. COOPER of Wisconsin. I recollect distinctly to have read more than once, as I presume have also the other Members of the House, that those financial troubles were owing largely to the extraordinary death rate from yellow fever and other diseases on the Isthmus.

Mr. MOORE of Pennsylvania. Another question. The gentleman has studied the subject. Is it not a fact that to-day, by reason of measures taken by the United States Government, through the Bureau of Insular Affairs, that the mosquito is no longer a menace on the Panama Zone?

Mr. COOPER of Wisconsin. I understand it to be true that the mosquito is no longer a menace there.

Mr. MOORE of Pennsylvania. The annoyance from mosquitoes is great in civilized communities thickly populated along the Atlantic coast, the Canadian border, and along the Gulf coast.

Mr. MANN. Am I to assume from the gentleman's statement that the mosquito has been abolished in Panama? No wilder statement ever was made.

Mr. MOORE of Pennsylvania. The dangerous mosquito has been abolished, or so controlled that men may work there in safety.

Mr. BUTLER. The Government has kept the mosquitoes from biting the workmen.

Mr. MOORE of Pennsylvania. Then why should not the Government take some action looking to the elimination of the mosquito in the more thickly populated centers of the United States itself?

Mr. SCOTT. Mr. Chairman, answering the gentleman's question in a single statement—because I do not want to protract this discussion—I wish to call his attention to the fact that this bill carries an appropriation of \$19,740 "For the investigation of miscellaneous insects and a study of insects affecting the health of man and animals," and under that appropriation the Bureau of Entomology has been investigating, and publishing from time to time bulletins upon, the best method of destroying the mosquito. I have no thought of speaking slightly of the suggestion the gentleman has made, because I quite agree with him that it is a very important proposition.

But I do believe that with the local organizations, such as we have here, the General Government has done its full duty when it has pointed out to the people the most feasible methods by which to proceed to destroy the pests.

Mr. MOORE of Pennsylvania. I thank the gentleman, Mr. Chairman, for that statement, but I beg to observe that the State of New Jersey does actually make an appropriation and conduct an investigation into the mosquito question, and in view of that fact it seemed to me that the Government might cooperate in a matter of such great importance to all the people of the country.

Mr. SCOTT. I think it could properly contribute information, but not money for that purpose.

Mr. BENNET of New York. The city of New York appropriates money for the same purpose.

Mr. SCOTT. All of which merely confirms my statement that the local authorities are capable of taking care of the matter.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for rent and repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, \$289,680, of which amount not less than \$237,160 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as herein-after stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants, shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates to Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided further*, That \$52,520 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country, and same shall not be distributed generally, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

Mr. BENNET of New York. Mr. Chairman, I ask unanimous consent to insert in the Record a letter from Mr. Andrew Car-

negie and two resolutions adopted by the Republican Club of the city of New York.

The CHAIRMAN. Is there objection?

There was no objection.

The papers referred to are as follows:

2 EAST NINETY-FIRST STREET, NEW YORK,  
February 2, 1911.

EDWARD LAUTERBACH, Esq.,  
President National Liberal Immigration League,  
150 Nassau Street, New York City.

DEAR SIR: Responding to yours of December 31.

Bismarck once made the statement that America was draining Germany of its best blood. This was at a time when immigration was at high flood from Germany. In recent years it averages less than 30,000 people annually. One year it was 27,000, of which our fortunate Republic obtained 26,000, the remaining 1,000 being scattered over other lands.

A first-class, healthy man slave was worth \$1,500 when men were bought and sold. Every German man that arrives here is worth a great deal more. So it is with the Scotch, the Irish, and the English, and not less so with the Scandinavians and the healthy, able-bodied men of good character of other nationalities.

The importations of human beings are the most valuable of all imports. With a population in our territory which does not greatly exceed 30 per square mile, while Belgium has nearly 600 per square mile and England about the same, it would pay us to give a premium for every able-bodied man or woman of good character that could be induced to come here.

The best test of the value of the immigrant lies in the fact that a workman and his wife have the ambition to better their condition so strongly implanted that they save sufficient money for their passage to settle in the land where "one man's privilege is every man's right."

Let the objectors to opening our gates to able-bodied immigrants of good character reflect where our country would have been except for that invaluable element.

Very truly, yours,

(Signed)

ANDREW CARNEGIE.

Resolution proposed and adopted at the regular meeting of the Republican Club of New York on January 16, 1911.

Whereas there is pending in the United States Senate a joint resolution (No. 134) proposing an amendment to the Constitution of the United States purporting to take from the Congress its constitutional power to regulate the election of United States Senators and Representatives in the several States and transfer that power to the State legislatures, as follows: "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures;" and

Whereas the senior Senator from New York, the Hon. CHAUNCEY M. DEWEY, formerly president of this club, has offered an amendment to the above, as follows: "The qualifications of male citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result;" Therefore be it

*Resolved*, That the Republican Club of the City of New York congratulates Senator DEWEY upon his timely and able defense of the fundamental principle of preserving for the Federal Government the essential power to protect and perpetuate itself, and we pledge him our support in this effort.

*Resolved*, That the secretary of the club be instructed to send a copy of this resolution to the United States Senators and Representatives in Congress from the State of New York respectfully urging their assistance in securing the adoption of Senator DEWEY's amendment.

Resolutions adopted by the Republican Club of the City of New York in relation to reapportionment.

Whereas section 2 of the fourteenth amendment to the Constitution of the United States provides that—

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed; but when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State;" and

Whereas in various States the right to vote at elections for the several officers mentioned is admittedly denied to male inhabitants thereof, being 21 years of age and citizens of the United States, for causes other than participation in rebellion or other crimes, such denial in some cases taking the form of laws requiring property or educational qualifications for the exercise of the suffrage, and in other cases taking the form of provisions, like the well-known "grandfather clause" in the constitution or laws of certain States, restricting the right to vote on technical or other grounds, which requirements or restrictions or any requirements or restrictions other than age and sex—whatever be their claimed justification or wherever they are imposed—must, under the Constitution be considered by Congress in its apportionment of Representatives; and

Whereas any apportionment on the basis of the population shown by the recent census, without first inquiring into the conditions above mentioned, will be in manifest and open disobedience of our fundamental law: Therefore be it

*Resolved*, That the Republican Club of the City of New York respectfully protests against any apportionment legislation at the present session of Congress, and in lieu thereof earnestly urges the appointment at this session of a special commission to inquire into the laws and conditions with respect to the suffrage in the various States and to report to what extent the right of suffrage therein is denied or abridged, to the end that the facts may be ascertained on the basis of which and of the population shown by the Thirteenth Census an apportionment in accordance with the constitutional requirements may thereafter be made; and be it further



*Resolved*, That a committee of 15 be appointed by the president of this club, which committee shall have power to add to its numbers, for the purpose of presenting these resolutions to the proper officers and committees of Congress, and of taking such action—alone or in association with other organizations—as they may deem desirable in order best to promote and accomplish the objects stated in these resolutions.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I move to strike out the last three words, and I am not going to move to strike out this appropriation for the distribution of congressional seeds. When I first came here for several years I voted for this appropriation, and then during several sessions I voted against it. Then in the last two or three years I have been converted so that I have been voting for it, and I believe in it. I voted for it at first because I did not know anything about it one way or the other.

Mr. PARSONS. I would ask the gentleman whether, when he does not know anything about an appropriation, he always votes for it. [Laughter.]

Mr. MICHAEL E. DRISCOLL. When I do not know anything about a proposition, I always stand by the committee. I was told by farmers from time to time that the garden seeds were a nuisance and that they did not want them, and they laughed at the appropriation for this distribution. I did not always think they meant just what they said, but I was willing to vote against the appropriation and have it left out at least for one year for experimental purposes, to see whether or not they would not come back and ask for the seeds when they were not being distributed. Of late years I have been voting for the appropriation, because I believe the money for it is about as well expended as any appropriation in this great bill.

Mr. COCKS of New York. I would like to know if the gentleman ever heard of any farmers' organizations going on record as being in favor of this appropriation.

Mr. MICHAEL E. DRISCOLL. I can not say about farmers' organizations.

Mr. COCKS of New York. Does the gentleman know of any individual farmer that ever cared for these seeds?

Mr. MICHAEL E. DRISCOLL. Certainly; lots of them; lots of them. My district is partly a city district and partly a country district.

Mr. COCKS of New York. What do the city people do with the seed?

Mr. MICHAEL E. DRISCOLL. I was just going to tell you that. I get about half vegetable and half flower seeds, and I distribute the flower seeds in the city and I want to show you the result. Children in grade No. 7, about 10 years old, took those seeds and planted or sowed them and grew them and, as you see, painted them and sent me these beautiful little letters with these paintings on them, and I will here, Mr. Chairman, ask unanimous consent to insert in the Record a few of these little letters which I have received from these children in the Syracuse schools, and which show that the distribution of these flower seeds helps to cultivate and develop a taste for flowers, which is also a wholesome virtue in any people. Perhaps this is the only way in which they can get the seeds, and get the experience in planting them and watching them grow and being interested in them and painting them, as appears in these letters. This culture and this education, if the example of these children were followed throughout the whole country, would be worth the amount of this little appropriation.

Mr. PARSONS. Will my colleague yield for a question?

Mr. MICHAEL E. DRISCOLL. Yes.

Mr. PARSONS. I agree with the gentleman that to attract children to a taste for flowers is desirable, but why should not the money for that purpose be appropriated by the cities instead of by the Federal Government? How does the gentleman justify the Federal Government in making this appropriation?

Mr. MICHAEL E. DRISCOLL. I would be entirely willing to eliminate all the appropriations which are scattered throughout the country for horse raising and all sorts of experimental work in agriculture. But I think the people in the cities are entitled to a little of it, because they pay their proportion of the taxes, and therefore they are entitled to a little of this appropriation and a little of the benefits which may come from this great agricultural bill.

Mr. PARSONS. But the gentleman's point is that this appropriation has an educational value. Now, the appropriations for educational purposes are made by the cities and States, and why should not this appropriation be made by the cities and States?

Mr. MICHAEL E. DRISCOLL. What are your good-roads appropriations for; for education and instruction?

Mr. PARSONS. It is an educational one.

Mr. MICHAEL E. DRISCOLL. Why should not the States pay for that, or the towns or municipalities? Practically everything in this bill is educational.

Mr. MANN. Certainly; that is all it is.

Mr. MICHAEL E. DRISCOLL. And I am against anything in the bill that is not educational, because—

Mr. PARSONS. Do you think that should be carried to the extent of sending to all the children—

Mr. MICHAEL E. DRISCOLL. These seeds would not be enough to supply every child. Now, I would like to ask—

Mr. BUTLER. If this discussion is continued, this paragraph may be in danger of being stricken from the bill.

Mr. MICHAEL E. DRISCOLL. It will not be in the least danger.

The pro forma amendment was withdrawn.

SCHOOL DEPARTMENT, PUTNAM SCHOOL,  
Syracuse, N. Y., May 20, 1910.

To the Hon. M. E. DRISCOLL,  
Washington, D. C.

MY DEAR MR. DRISCOLL: The pupils of the seventh Putnam have watched their seeds so anxiously and were so desirous of writing you and reporting progress that I allowed them to bring one seedlet each and paint for you.

Our school is situated in the business center of the city and has mostly a foreign element, so that you may know the growth of a plant means more to them than to children whose homes are surrounded by lawns and gardens. Each year the packets of seeds are hailed with joy, and each successful plant means a great deal.

Thanking you again on their behalf, I am

Sincerely, yours,

(Miss) EDITH W. LATHROP.  
JOHN G. WILSON, Principal.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: We received your seeds the last of April, and I planted them the next day. I got the dirt ready and planted them. I took good care of them, watered them every day, and now they are growing fine. To-day I thought I would paint them and show you how they were growing. I went home at noon and took the little roots and some dirt out of the ground and brought them to school. I got my paints ready and started painting them. They came out pretty good, and I will send them.

I did not expect any seeds from you and was very glad you sent them. I thank you very much for sending them.

From a friend,

LUCY KLOCK.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: Your seeds were received in April. I planted them in our front yard, and they are growing very fast. We thought we would make a painting of them for you to let you see how nicely they are thriving.

I take good care of them, for I love flowers anyway. When it rains I go out to see if they are growing.

I am longing to see them in blossom. I know they will be pretty, for nasturtiums are very pretty flowers, and when the blossoms come I will make another painting of them and send it to you. I appreciate your kindness very much. I hope this painting is satisfactory, but wish it was a bouquet instead.

From your friend,

MILDRED CONNELLY.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: The seeds that you sent me were nasturtiums. I received them about April 25. As soon as I got home that afternoon I took a large box and went after some rich soil. After I had the soil in the box I planted my seeds as nicely as I could.

The reason I am writing this letter is because I want to thank you for your seeds.

I also painted the leaves and roots to show you how nicely they grew.

When the seeds began to grow it was only a little stem, and each day it grew a little more. Each day I would go out to the little box and water them. This plant was very quick in growing, and in a short time it had leaves on. I expect that in a month it will have flowers on it. We thank you very much for your kind attention, and hope we may return it some day.

Your friend,

FRANCES BERMAN.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: I received my seeds in April, and it was too early to plant them, so I waited a while to plant them, and they just came up. I thought I would send you a picture of them that I painted myself.

First, I made a little place to put the seeds in, and then put dirt over them, and every day I watered them. Maybe I had better tell you the name of the plant in the picture. It is a radish. They grow very quickly at last. It was not much trouble to take care of them, for they are very hardy. In the future I expect radishes. I thank you.

Yours truly,

ETHEL KNOX.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: I received a package of nasturtium seeds which I thank you very much for. I planted the seeds in a box as soon as I returned home from school. And to show you my appreciation for sending the seeds to us I have painted one to let you see how they have grown up at the present time.

I have taken care of them every day when returning from school. It was very cute to see them grow up so quick.

I hope they will soon grow into flowers. And when they do I expect to paint them and send to you to let you see how they look when in bloom. Thanking you very much for your kindness, I remain,

Your friend,

MAY KALLET.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: We received your seeds in the month of April, and I planted them in the back yard, and there are a few grown up now. I painted one of them to show you how they are. I take good care of the plants grown from the seeds.

I expect to have some good radishes. They are growing very nicely. I thank you ever so much for the seeds you sent me.

Your friend,

LEIR L. NEWMAN.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: We received your seeds and were pleased to receive them. I planted the flower seeds and radish seeds. The radishes are coming up. I water them, and they are up about 1 inch. I planted them in my back yard in the month of April.

We are painting them to show you how they are growing. When they get large so we can paint the radish I will paint you one to see how they are. I water them every day. We thank you very much for sending them to us. We do not have to take so much care as of many other plants. They are very hardy plants.

Your friend,

MABEL FITZGERALD.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: I have received your different varieties of seeds in April. Some of the different kinds are, nasturtium, radishes, morning glories, and lettuce. I have some more packages which I have not planted on account of the weather. I will sow them in the yard this week, and will take care of them. I will inclose a painting of one of my radishes to give you some idea how they are growing.

The little plants are growing larger every day. I sprinkle them in the morning and evening, and take good care of them.

I think the flowers will grow larger in the future time. I expect to send you some flowers when they are all in bloom. I thank you very much for your kindness in sending the seeds.

From your friend,

DAVID JOSEPHSON.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: We received seeds from you in the month of April, and I am sending you a letter and telling you how I planted them and took care of them. The first day I got them I went down the street and got some muck, and put them into a box. Not long after the leaves came up. The next day the teacher told us to bring to school to paint. We brought them to school and painted them. I painted a radish because I got that.

Thank you for the seeds. We will remember you when we eat them.

From your friend,

ABIE BERMAN.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: The seeds you sent to our school we received, and I thank you very much. The seeds I received were radishes and morning glories. I planted them in a box, and the radishes are up mostly 2 inches.

I have drawn a picture of the morning glories, and am sending you it, so you may see how they are growing. I take care of them every day. They are very interesting, and I like to watch them grow.

Thanking you again, I am,

Your friend,

ALBERT J. HANNON.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: We received your seeds in April, and have planted them, and they have come up good and full. I planted them about 2 inches in the ground. I suppose you can tell by the painting of them what kind of seeds they are; but, if not, they are nasturtiums. I have painted them to show you how they are growing.

I water them every day, and they are planted in the sun, so they can get warmth. They are getting very high, and the growth of them is beautiful. I wish you could see them, but when they get in blossom I will paint another picture, trying to make it the best I can. I will think of you when I pick them. I expect in a month they will be in blossom. I wish to thank you for your kind attention and trouble for sending the seeds, and again thank you very much for them.

I remain your friend,

MILDRED STOLUSKY.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: We received the seeds that you sent to our school, and we are all very much obliged for the seeds.

When we received the seeds our principal, Mr. Wilson, passed them out to the children, and he gave me a package of radish seeds and I planted them in the garden, and they are coming out very nicely. The teacher told us to paint them very nicely, and we are sending you the painting, and you can imagine how they look.

I thank you for the seeds.

Your friend,

MAURICE WERDEGAR.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: The seeds that you sent to our school in April were given out to us to take home and plant. I planted my seeds in the back yard, where the soil is very fertile. I did not sprinkle the flowers, but watched them grow, and after every shower they were much larger. We thought it would be very nice to paint them and send to you to see how they are getting along.

My flowers and vegetables are growing very fast and are quite large. They are getting good care, and no chickens are picking them.

I think in three or four weeks the vegetables will be fit to eat, and I shall think of you when I eat them. I thank you very much for the seeds, and I shall not forget you.

Your friend,

EDDIE LIBERMAN.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: The principal of our school came in with two baskets of seeds. He gave some of them to my teacher. She gave us each three packages of seeds. I received nasturtium, morning glory, and honeysuckles. We got them in April.

The kind I planted was morning glory. I planted them a little late, because I was afraid the frost would kill them. When the weather was a little warmer I planted them. I water them twice a day. I painted them to show you how nice they grew. They are about an inch high.

I will paint another picture to show you how they look with their blossoms. You will find a painting, which I did myself, to show you that I am thinking about them.

Your friend,

ESTHER COMINSKY.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: The seeds that you gave me about April 25 were radishes. I planted them in my back yard, and have painted one of them to show you how they are growing.

I take great care of the plants grown from the seeds you sent me, and water them every day, and they are growing beautiful. I expect that later I will have radishes. When they are full grown we will send you another painting of them. We thank you ever so much for the seeds you sent us.

Your friend,

LENA RAMPFEL.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: We have received some of your seeds, which we are glad to have. We received them in April, 1910. I planted my seeds first in a box, as the directions were, and now I am going to plant them in the ground. I will plant them in the front of our house, and will take very much care of them, for I love flowers.

We have painted the plants to show you how nicely they have grown so far, and I think that by fall I will have a nice garden of flowers and vegetables. When they are in blossom I will send you another painting of the blossoms. I like to watch the plants grow up, and when I come from school I run right to my garden the very first thing to see how the plants are growing. This picture, which I send you now, is one of my morning glories. I expect them to grow very large, as I think they will. I thank you very much for the seeds, as I think it was very nice of you to think of the children of Syracuse.

Your loving friend,

LENA WEISS.

SYRACUSE, N. Y., May 19, 1910.

DEAR MR. DRISCOLL: We received our seeds from Prof. Wilson, who told us that you had sent them to us, as you have always done. We received them in the morning just before we were dismissed. Miss Lathrop, our teacher, passed them around, giving each one three packages. After they were passed we could change with each other. They were given us in April in order to plant them soon. I received morning-glory, nasturtiums, and radishes.

Inclosed you will find a painting of how my radishes are growing. The nasturtiums I planted in a box on the back step, the morning-glories in the yard along the fence, and the radishes also in the yard. We thank you for your kind attention and hope we may return it some day.

Your friend,

JENNIE STONE.

The Clerk read as follows:

Total for Bureau of Plant Industry, \$1,962,471.

Mr. LINDBERGH rose.

The Clerk began the reading of the bill.

Mr. MACON. Mr. Chairman, I thought the gentleman was recognized.

Mr. LINDBERGH. Mr. Chairman, I move to strike out the last four words in order to ask a question. How are these seeds secured for distribution?

Mr. SCOTT. For the most part they are acquired by contract, if that is an answer to the gentleman's question; some are bought in the open market and some are grown by the department.

Mr. LINDBERGH. What assurance have we that they are fresh seeds? How is that investigated?

Mr. SCOTT. Well, the department is continually testing these seeds and exercising every possible care to see to it that they are fresh. Contracts are made with reliable parties, and if a sufficient quantity can not be acquired by contract the department goes into the open market and buys a supply.

Mr. LINDBERGH. The reason I asked the question is I have a good many letters from farmers in my district saying that some of the seed are not good, and, on the other hand, I have other letters saying that the seeds they get are good, and I was wondering what the difficulty is.

Mr. SCOTT. The difficulty arises, of course, from the fact that they have to acquire such an enormous quantity of seed. Sometimes the season is adverse, and it is practically impossible for the parties with whom the department has been contracting for years, and whom it knows to be entirely reliable, to produce the quantity that is needed. Then the department has to go out in the open market and buy from any seed house which may have a supply; so it will sometimes happen that an inferior quality of seed is obtained. But they are always tested, and the department takes every possible precaution to send out nothing but good seed.

Mr. CANDLER. I will say that Mr. Galloway, the Chief of the Bureau of Plant Industry, testified before the Committee on Agriculture some years ago, and the same policy has been pursued since then, that no seeds were distributed at any time that had not been thoroughly tested by the Department of Agriculture to determine their vitality and their being true to type, and the percentage of germination, and said that the Department of Agriculture used every precaution and every possible care to see that the very best seed that could possibly be obtained anywhere should be sent out.

As stated by the chairman of the committee, these seeds are largely provided by contract. Considerable seed is obtained by the department from experiment stations and under direct care of the department. It is impossible from the quantity of seed necessary to be acquired to obtain all the seed that is needed



here, but in my experience in the district which I have the honor to represent I find they are of very great advantage, because the people themselves, in addition to the amount I send out, which is very liberal, send me thousands of requests every year for this seed, and express the greatest satisfaction with the seed sent. No longer ago than this morning I had a letter from a splendid, good lady in my district, who said that the seed she received last year was the best she ever had, and wanted more, which I gladly sent her. Nothing gives me greater pleasure than to respond to the many requests I receive from my district for the seed which is sent out on my request by the Government. Many letters I receive express thanks for the seed, and I am glad to respond to the wishes of my constituents. I want to represent my people, and if I do so I shall be glad and happy. I intend to represent fully their views and shall do so in every instance. [Loud applause.]

The Clerk read as follows:

#### FOREST SERVICE.

Salaries, Forest Service: One Forester, who shall be chief of bureau, \$5,000; 1 administrative assistant, \$2,000; 1 forest supervisor, \$2,700; 5 forest supervisors, at \$2,400 each; 18 forest supervisors, at \$2,200 each; 45 forest supervisors, at \$2,000 each; 66 forest supervisors, at \$1,800 each; 10 forest supervisors, at \$1,600 each; 4 deputy forest supervisors, at \$1,700 each; 21 deputy forest supervisors, at \$1,600 each; 30 deputy forest supervisors, at \$1,500 each; 41 deputy forest supervisors, at \$1,400 each; 1 forest ranger, \$1,500; 17 forest rangers, at \$1,400 each; 75 forest rangers, at \$1,300 each; 150 forest rangers, at \$1,200 each; 9 forest rangers, at \$1,100 each; 2 assistant forest rangers, at \$1,300 each; 48 assistant forest rangers, at \$1,200 each; 847 assistant forest rangers, at \$1,100 each; 1 property auditor, \$1,800; 7 chiefs of maintenance, at \$1,600 each; 1 chief of distribution, \$1,600; 1 clerk, \$2,100; 3 clerks, at \$2,000 each; 11 clerks, at \$1,800 each; 17 clerks, at \$1,600 each; 9 clerks, at \$1,500 each; 8 clerks, at \$1,400 each; 1 clerk, \$1,380; 7 clerks, at \$1,320 each; 4 clerks, at \$1,300 each; 2 clerks, at \$1,260 each; 77 clerks, at \$1,200 each; 52 clerks, at \$1,100 each; 7 clerks, at \$1,080 each; 17 clerks, at \$1,020 each; 34 clerks, at \$1,000 each; 30 clerks, at \$960 each; 110 clerks, at \$900 each; 18 clerks, at \$840 each; 4 clerks, at \$780 each; 4 clerks, at \$720 each; 1 clerk, \$700; 2 superintendents of telephone construction, at \$1,500 each; 1 game warden, \$1,400; 1 game warden, \$1,200; 1 compiler, \$1,600; 1 reader or clerk, \$1,400; 1 draftsman, \$2,000; 3 draftsmen, at \$1,600 each; 2 draftsmen, at \$1,500 each; 4 draftsmen, at \$1,400 each; 1 draftsman, \$1,380; 1 draftsman, \$1,320; 3 draftsmen, at \$1,300 each; 1 draftsman, \$1,260; 6 draftsmen, at \$1,200 each; 1 draftsman, \$1,140; 1 draftsman, \$1,100; 1 draftsman, \$1,080; 3 draftsmen, at \$1,000 each; 1 draftsman, \$960; 4 draftsmen, at \$900 each; 1 artist, \$1,400; 1 artist, \$1,000; 4 map colorists, at \$900 each; 1 map colorist, \$720; 1 photographer, \$1,600; 1 photographer, \$1,400; 1 photographer, \$1,200; 1 photographer, \$1,100; 1 lithographer, \$1,200; 1 lithographer's helper, \$780; 1 machinist, \$1,260; 1 carpenter, \$1,200; 2 carpenters, at \$1,000 each; 1 carpenter, \$960; 1 electrician, \$1,020; 1 laboratory aid and engineer, \$900; 3 laboratory assistants, at \$900 each; 1 laboratory assistant, \$800; 1 laboratory helper, \$720; 1 laboratory helper, \$600; 1 packer, \$1,000; 1 packer, \$780; 4 watchmen, at \$840 each; 1 messenger or laborer, \$960; 3 messengers or laborers, at \$900 each; 2 messengers or laborers, at \$840 each; 2 messengers or laborers, at \$800 each; 3 messengers or laborers, at \$780 each; 3 messengers or laborers, at \$720 each; 1 messenger or laborer, \$700; 6 messengers or laborers, at \$660 each; 5 messengers or laborers, at \$600 each; 2 messengers or laborers, at \$540 each; 3 messengers or messenger boys, at \$480 each; 3 messengers or messenger boys, at \$420 each; 16 messengers or messenger boys, at \$360 each; 1 apprentice boy, \$480; 1 charwoman, \$540; 1 charwoman, \$480; 1 charwoman, \$300; 11 charwomen, at \$240 each; in all, \$2,318,680.

Mr. COCKS of New York. In line 5, page 29, after the word "each," I move to strike out the comma and insert a semicolon.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 29, line 5, after the word "each," insert a semicolon in place of a comma.

The amendment was agreed to.

Mr. MARTIN of Colorado. I move to strike out the last word. I make that motion for the purpose of asking the chairman of the committee some questions. When the Committee of the Whole were considering the section relative to the Bureau of Plant Industry, the chairman was asked some questions about the transfer of employees from the lump-sum appropriation to the statutory roll, and as to whether and to what extent that increased permanently the amount of the appropriation. Now, I notice, with reference to the Forest Service, that 1,894 places, aggregating \$2,258,480 in salaries, have been transferred from the lump-sum appropriation to the statutory roll, and I would like to ask the chairman of the committee how much of an increase in the appropriation will that change effect. I ask the chairman practically the same question that was asked him with reference to the Bureau of Plant Industry.

Mr. SCOTT. The total increase for the Bureau of Forestry recommended in this bill is \$500,000. Of that amount, about \$215,000 is due to an increase in the appropriation for the permanent improvement of the forests, \$100,000 to an increase in the appropriation for reseeding burnt-over areas in the forests, and the other increases are made up of small sums in various paragraphs, under the heading of "general expenses."

Mr. MARTIN of Colorado. How much of the \$500,000 increase will go to salaries?

Mr. SCOTT. Practically all of it will go to salaries, because nearly all of the expenses of the bureau are involved in the payment of salaries. For instance, we are appropriating, as I said, an increase of something like \$215,000 for the permanent improvement of the forests. A large part of that money will be paid out in the shape of wages or salaries to the men who do the work. Some of it, of course, will be expended for materials that are necessary in the construction of trails, for tools and implements, and for things of that sort. But I think I can answer the question which the gentleman probably is more interested in than anything else—in relation to the transfer of places from the lump sum to the statutory roll—by assuring him that the money involved in these transfers has been deducted from the lump sum under which it has been heretofore carried to exactly the extent to which it is transferred to the statutory roll.

Mr. MARTIN of Colorado. Can the gentleman state how the salaries fixed in this bill correspond to the salaries that have been paid out of the lump-sum appropriation for all these various places?

Mr. SCOTT. We were assured by the chief of the bureau that every transfer had been made at precisely the same salary that the individual is now receiving.

Mr. MARTIN of Colorado. I should like to ask this further question: The appropriation for 1911, when all of these salaries and all salaries except at headquarters here in Washington were paid out of the lump-sum appropriation, carried this proviso:

To employ agents, clerks, assistants, and other laborers required in practical forestry and in the administration of the national forests, in the city of Washington and elsewhere.

A sort of blanket authority, as it were, to employ virtually without restriction or limitation. Now, I find that same provision in this bill, which it would appear to me seeks to define by act of Congress all of these various positions and what their salaries shall be. Will the leaving of that provision in this bill now give the Secretary of Agriculture authority to employ without limit additional assistance, and to incur liability for it in addition to the provision made for salaries, as expressly defined in this bill?

Mr. SCOTT. No; the necessity for allowing the language which the gentleman has quoted to remain in the bill is that under the increases carried in this bill in various lump sums it will be necessary to employ men who are not now carried on any of the statutory rolls. For example, we authorize an increase of \$100,000 for reseeding purposes. That money will not be available until the 1st of July, but when it becomes available the Secretary will, of course, employ men to carry out this provision, and he would not be able to employ the men if the language which the gentleman refers to was not carried in the bill. The insertion of the language will not permit the expenditure of a dollar more than is appropriated, as it will not permit the increase of a single salary in any of the places that are specifically set out.

Mr. MARTIN of Colorado. One other question. I have totaled up here, I may not be perfectly accurate, but I make 2,940 employees in the Forest Service. Does the gentleman know whether there are more than that number in the Forest Service?

Mr. SCOTT. There were employed on December 31, 1910, in the Forest Service, officials and employees, to the total number of 3,638.

Mr. MARTIN of Colorado. I withdraw my pro forma amendment.

Mr. PARSONS. Mr. Chairman, I move to strike out the last two words. For some years we have heard talk on this floor against the Forest Service of the Government. We were given to believe that there were included in the national forests many large acres that did not belong there, that the Forest Service was opposed to eliminating treeless areas, that the forests would be better administered if they were turned over to the States, and that not a sufficient opportunity was given to homesteaders.

I had the good fortune this summer to go through some of the forests with some forestry officials, and everything that I saw tended to refute such statements.

Mr. RUCKER of Colorado. What States did the gentleman go through?

Mr. PARSONS. I was in the State of Colorado, but not with any forestry officials there. However, I will make some reference to the State of Colorado before I finish my remarks. I found, to my surprise, that there were large timber areas in the foothills of the mountains adjoining the national forests that had not been included in the forest reserves, whereas I had supposed that the forest reserves came down far beyond where

the timber was. I found that the Forest Service, instead of trying to keep in the forests the treeless areas that had been included in the boundaries roughly described at first, was trying to get rid of the treeless areas. I found in some localities the people objected to having these treeless areas, which were used for grazing, excluded from the forests.

Mr. MARTIN of Colorado. I dislike to interrupt the gentleman, but he has made a statement which is contrary to my experience.

Mr. PARSONS. I did not hear the gentleman's remark.

Mr. MARTIN of Colorado. I said the gentleman's statement that the Forest Service wanted to eliminate treeless areas from the forests is contrary to my experience.

Mr. PARSONS. My experience does not cover all the forests, but I am talking about what I saw this summer. In one case in southern Utah the Forest Service was eliminating 60,000 acres.

Mr. MARTIN of Colorado. How much were they putting in?

Mr. PARSONS. They were not putting in any. The people were objecting and protesting against the elimination. Not only that, but the people in that locality were in favor of having the Government control the public range and having the grazing of the public range outside of the forestry done with the permit system that prevails in the Forest Service.

Mr. MARTIN of Colorado. Would the gentleman be willing to have the Government do anything his people wanted done, without reference as to whether it ought to be done?

Mr. PARSONS. In my opinion it would be a good thing to do it. In going through one of these forests I went with a man who had been acquainted with the forest for 25 years, and I had every opportunity to learn from him the great improvement in the range since the meadows in the forest had been under the control of the Forest Service. Before the Forest Service took control the range was overstocked, the cattle went on too early in the season, and the result was that in a few years the range was no good. When the Forest Service got control, they prevented the cattle from going on too early in the spring, and they prevented overstocking, and the result was that recently the number of cattle and sheep placed upon the range had been steadily increased, and the condition of the range that was within the national forest was far superior to the range that was outside the national forest.

The CHAIRMAN. The gentleman's time has expired.

Mr. PARSONS. I ask unanimous consent that I may proceed for five minutes, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUCKER of Colorado. Mr. Chairman, does not the gentleman perceive that he has made a contradiction there? He has first said that the range was improved because the stock was taken off, and now he says that the stock having been increased upon the range, the range has improved.

Mr. PARSONS. No; he has made no contradiction at all. When the Forest Service first took hold, in some cases the range within the forest had been so destroyed that the cattle had to be kept off it, but as soon as the range was restored the cattle could be put on in limited quantities, and that was done.

Mr. MARTIN of Colorado. Mr. Chairman, I want to call to the gentleman's attention a statement that was made to me to-day by some gentleman on the floor. In the recent disastrous fires in Washington and Oregon it was found that the fire had been most disastrous in those portions of the reserves that were not grazed over, and that where the reserves had been very closely grazed the fire did not do a great amount of damage, as a result of which the Forest Service proposes to reverse its action against the close grazing of the forest ranges.

Mr. PARSONS. Well, I have not heard that the Forest Service proposes to do that, and I do not believe it proposes to do it in the part of the country that I was in.

Mr. RUCKER of Colorado. Does not the gentleman know that it is the law of the condition of fires that the fire will follow the grass instead of the tree tops, and therefore the close grazing eliminates the danger of fire?

Mr. PARSONS. If the range has the right amount of cattle upon it, it is all right, and in the part of the country that I was in the range was not in such condition that it would carry fire. I am talking about what I saw.

Mr. MARTIN of Colorado. After all, the main question is the right and the propriety of the Federal Government in regulating the grazing of cattle, and in having hundreds and thousands of forest rangers on the pay roll of the Federal Government acting as cattle herders.

Mr. PARSONS. I do not know that they act as cattle herders; but I am glad the gentleman has made his point, because I had some chance to compare the control exercised by the Fed-

eral Government with the control exercised by the State governments over neighboring lands that have passed into State ownership, and I saw what the State had done with it. The State had sold some of its timbered lands, generally at prices far below what the Government was getting for the timber that was being lumbered in the surrounding forest under the forestry regulations. Then I also saw that the State, wherever it had lands that controlled a water-power site, sold that land to an individual; and the result was that the man who bought the land controlled the situation in regard to the water power in that locality. Some years ago there was introduced into this House a bill that San Francisco should be allowed to use the Valley of Hetch Hetchy in the Yosemite National Park and Lake Eleanor in the Yosemite National Park for reservoirs, and the Committee on Public Lands held lengthy hearings on the subject.

San Francisco is allowed to use Lake Eleanor now. In the vicinity of Lake Eleanor there is a considerable supply of water, but the point where the rest of the water can best be secured, where the dam can best be erected, is land that went to the State under the school-selection provision under the act admitting California.

A man had purchased that section and had complete control of it on which he could dam up the Cherry River, a good-sized stream—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I want to ask him one more question.

Mr. SCOTT. Mr. Chairman, reserving the right to object, I dislike very much to deny the request of the gentleman, but I am exceedingly anxious to proceed with the bill, and inasmuch as his remarks are not addressed to the pending measure, but relate rather to the policy of the department, I would like to inquire if he would not be willing to take leave to extend his remarks, and let it go at that.

Mr. PARSONS. I should prefer to proceed for five minutes.

Mr. SCOTT. I shall not object.

Mr. PARSONS. Then I will ask not to be interrupted until I conclude.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PARSONS. He controlled the power site on the Cherry River and controlled the power site on the outlet of Lake Eleanor. To be sure, San Francisco owned the lake, but running into the outlet from the lake was a good stream, so he was in a position where, by having a dam on the land he purchased from the State, he could control considerable water power and water supply, the result being that to get it, San Francisco would have to pay him considerable money, and San Francisco not wanting to pay came to Congress to get from Congress a part of the Yosemite simply because the Federal Government had preserved the Hetch Hetchy Valley in the Yosemite for the benefit of the people. I just give that as an illustration.

The last thing to which I wish to call attention is the matter of homesteads in the National Forests. I had been told that the Forest Service was opposed to allowing homesteaders to go into the forests, but I saw many homesteads that had been allowed by the Forest Service in the forests, and I saw some which never ought to have been allowed to go to patent. I spent a night in such a homestead, and I asked the wife of the homesteader how many months in the year they spent there, because I understood that a homestead was to be a home, and I had been told that they could not spend more than three months in a year there, and she told me that they spent two months and a half there.

Mr. RUCKER of Colorado. Was that patented ground?

Mr. PARSONS. In that particular place it was patented, but patented before the Forest Service had control.

Mr. RUCKER of Colorado. Well, the gentleman does not dispute that he would have the right to go off and leave it entirely if he desired to do so.

Mr. PARSONS. But I dispute that they had ever lived on it sufficiently to entitle him to get a homestead, and I infer from the fact that the Forest Service acts properly when it protests against some of these homesteads and these attempts to get a homestead. In that immediate vicinity there was an attempt to homestead which the Forest Service defeated. There is another attempt being made which the Forest Service ought to defeat, and I hope it has defeated it. I now yield to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. The gentleman says that he has examined the condition of the national forests under Federal administration.



Mr. PARSONS. I did not say all.

Mr. MARTIN of Colorado. But the gentleman has examined some, and also some of the forests which were under State control or administration.

Mr. PARSONS. No; I said land in the forests that belonged to the States.

Mr. MARTIN of Colorado. This is the proposition I want to submit to the gentleman. The Government does not claim supervision, or Congress, of public lands in order to regulate grazing per se, but merely as an incident to the preservation of the forests. Now, I want to ask the gentleman after he has been out and looked over these reserves personally, if he saw any indication that the timber in these reserves had been injured by excessive grazing; or if he is able to tell this committee now how such a thing could occur, any more than the forests could be wiped out along down the Potomac River by the cattle grazing in them?

Mr. PARSONS. Of course it may be injured in some cases by the grazing of sheep. What happens is that in the forests are open places which form good grazing ground, and are good grazing ground according as they are regulated, and the work of the Forest Service in regulating such grazing has redounded immensely to the benefit of the people who have to graze their cattle there.

Mr. MARTIN of Colorado. But has it redounded to the benefit of the trees?

Mr. PARSONS. I do not know; but if it has any effect, it probably benefits the trees—

Mr. MARTIN of Colorado. I think the gentleman knows, Mr. Chairman—

Mr. PARSONS. I would like to ask the gentleman from Colorado a question, owing to the absence of his colleague [Mr. TAYLOR]. I understood the gentleman from Colorado [Mr. TAYLOR] sent a letter to the commissioners of the counties in Colorado, asking them to let him know all the lands within the national forests that ought to be opened to homestead, and I would like to ask the gentleman how much land in his district in Colorado has been designated in response to that request?

The CHAIRMAN. The time of the gentleman from New York [Mr. PARSONS] has expired.

Mr. MARTIN of Colorado. Just a moment, in answer to that question. I do not know how much land has been designated for elimination—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARSONS. Mr. Chairman, I ask unanimous consent for one minute in order that the gentleman from Colorado may answer my question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. I do not know how much agricultural land has been designated for elimination from the forest reserves in Colorado in response to that request, but I know this, that the national forester came out to Colorado last summer and published a statement in the newspapers that the Colorado delegation in Congress had asserted that there were agricultural lands in the forest reserves of that State, which they were not able to point out to him, and within 20 days after making that statement in the papers the Agricultural Department issued an order eliminating over half a million acres of agricultural land from the forest reserves of Colorado.

Mr. PARSONS. I read the Colorado newspapers at the time the forester was there and I saw no such statement. I saw an invitation for them to point out the land.

Mr. MARTIN of Colorado. And the statement or inference being that they could not point it out, that it was not there, and 20 days after that the department issued an order eliminating over half a million acres of land.

Mr. MONDELL. The gentleman from New York [Mr. PARSONS] has raised a few interesting questions. First, he states that in a journey through the forest reservations in some States of the West last year he found some territory which the people living in the vicinity desired to have retained within reserves which the Forest Service was proposing to eliminate. I can readily understand that situation, Mr. Chairman, and it is a very interesting feature of the forest reserve situation. But, let us for a moment consider what a forest reserve is, and let us for a moment consider what the authority of the President is in establishing forest reserves.

The law governing the creation of forest reserves is as follows:

No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a con-

tinuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

Now, clearly, there was nothing in the law authorizing the inclusion in reserves of untimbered areas, and it is not a question whether some people in a given locality desire for selfish purposes to have land included in a forest reserve or not. The question is, Is the land properly included in the forest reserve under the law? Now, this condition sometimes exists in the West, that on the slope of a mountain range, adjacent to the timbered areas, are tracts more or less rough and broken which are suitable for grazing purposes. It sometimes occurs that there are misunderstandings and difficulties among the brethren in those regions as to just who shall have the use of those lands for grazing. My sympathy always goes out to the man who lives in the vicinity, to the settler, and sometimes the settler feels that his interests are jeopardized by the possibility of bands of sheep being grazed upon those areas.

When that condition arises adjacent to a reserve, as sometimes is the case, the farmers and stockmen in the locality may desire to have lands retained in a reserve or placed in a reserve that can not be legally placed in the reserve under the law, not for the preservation of the forest, not for the protection of water supply, but, frankly, for the purpose of settling range controversies. Now, there is a considerable difference of opinion in the West as to whether the Federal Government should control the use of the range. Some people think it should, and more people think it should not.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. MONDELL. I have but little time. Sometimes a community of settlers favor it in a given locality, although they would not favor it as a general rule.

Now, the condition that the gentleman met in Utah is one met quite often on the borders of reserves, and it is often a difficult question to settle on its merits.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that my time be extended five minutes.

There was no objection.

Mr. MONDELL. It is a difficult question to settle on its merits; but, by and large and in the main, it seems to me we must confine the forest reserves to territory properly within the reserves under the law, and the question of Government control of the range that is unforested is an entirely separate and distinct question, which should be settled on its merits and without regard to the Forest Service. In other words, the forestry policy of the Government should not be administered for the purpose of settling range controversies.

Mr. PARSONS. Laying aside the question as to which Government, whether Federal or State, should regulate it, does the gentleman believe that the range should be regulated?

Mr. MONDELL. I do not believe that it should be regulated by the National Government, for the reason that I am as thoroughly convinced as I ever was of anything in the world that the moment the Federal Government proceeds to the parceling out of the range, that moment you are going to check settlement and development. The moment any man has a preferential and prior and superior right to the use of the grasses on the public domain, that moment you create a condition which discourages the home seeker. If you give a man any right to graze upon a given area, it can not be otherwise than a preferential right, and though you put in the law all the provisions that can possibly be written, intended to guard the settler and to encourage the homesteader, the homesteader is discouraged by the very fact that all of the grass surrounding the place he proposes to locate upon is in the possession of another.

Now, I realize that this is a troublesome question, and that there are two sides to it, but after giving it years of study I am firmly of the opinion that Federal control of the range means the discouragement of settlement. I have always been optimistic of the farming possibilities of our semiarid country, but I know of localities that 20 years ago I would have said were permanent grazing lands and never could be used profitably for any other purpose, which are to-day covered with homesteads, on which men are growing profitable crops; and I want to say that the oft-repeated statement that such occupation reduces the meat supply of the country by curtailing the range is a grievous error; that the homesteader who locates on 320 acres of land produces sufficient food on that land not to feed two or three steers, as in the case of the utilization of the natural grasses, but if at all successful, enough to feed 6, 8, 10, or 20.

Mr. PARSONS. The gentleman does not charge me with having made that statement, does he?

Mr. MONDELL. Oh, no; but it is often made. Every time you take a piece of grazing land and make a farm of it you enlarge its capacity to increase the meat supply of the country.

The statement has been made time and again, I will say to the gentleman from New York, that the farming of the range reduces the meat supply of the country. On the contrary it increases it. For a year, or possibly two years, the coming of the settler, driving out the range herds, does tend to decrease the amount of stock in that territory; but as soon as the farmer has his land under cultivation and begins to grow crops he turns land which would produce, at the very most, 50 cents worth of grass per acre per annum into fields that produce five, ten, twenty, or thirty dollars' worth of feed per acre per annum.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent for five minutes more.

Mr. MANN. Reserving the right to object, I should like to inquire whether the gentleman from Kansas [Mr. SCOTT] thinks he can finish this bill to-night in this way.

Mr. SCOTT. I regret, of course, that time should be taken in discussion upon matters that are not immediately related to the bill. I have not felt as if I should interpose an objection up to this time, but I do wish now to ask unanimous consent that debate on this paragraph close in five minutes, the gentleman from Wyoming [Mr. MONDELL] having the floor.

Mr. MANN. Can not we arrive at the conclusion as to when the committee is to rise to-night?

Mr. SCOTT. I will say that the chairman of the committee would like to run as long as the House will stay.

Mr. MANN. Well, the House will not stay much longer, in all probability.

Mr. SCOTT. I hope the House will stay, at least, until 6 o'clock. Gentlemen will remember that we have only three weeks remaining.

Mr. MANN. Is the gentleman willing to quit at 6 o'clock, if we will stay and hustle the bill along?

Mr. SCOTT. Yes; I would be willing to quit at 6 o'clock. We can not, in all reason, reach this bill again before next Thursday, and may not until next Saturday. If all the gentlemen will agree to hustle it along, I will be willing to quit at 6 o'clock.

Mr. MONDELL. Now, Mr. Chairman, just a moment on this general range proposition. After we have, by a process of elimination, secured the settlement of all the lands that can be farmed and occupied by actual settlers living on the land on farms and grazing areas, we may reach a time when we may properly provide for a Federal control of the remaining purely grazing lands, but we will not reach that condition for years to come. The forestry law, let me say to the gentleman from New York, ought not to be invoked for the purpose of settling range controversies. I have some constituents who take the view of the gentleman from New York, and I should like to agree with them for they are good people.

Mr. MADDEN. And they vote for the gentleman from Wyoming. [Laughter.]

Mr. MONDELL. The gentleman from New York states that the Forest Service is encouraging the homesteaders. I am glad to be able to say that under the present management of the reserves there has been a marked change in the attitude of the service toward the homesteader. I am glad to have the opportunity to make that statement. I think, however, there is still room for improvement, and I am hoping for it.

A year ago, in a hearing before our committee, we heard the Forest Service in Arkansas was confining the homesteaders to less than 40 acres of land, because to give him more might bring within the homestead an acre or two of brush and small or scattering trees. I am glad to know that they are departing from that policy. I saw a map of a homestead in a forest reserve within 20 miles of my home that looked like the picture of a devilfish—a small body and numerous tentacles. The forestry officers evidently did not want the homesteader to have a single tree upon his land to shade his house, and they ran their lines of extraordinary irregularity to keep from within the boundaries of the homestead little bunches of timber a few feet or rods in extent. The surveyors who ran the lines got \$10 every time they turned an angle, and the more angles they turned the more times \$10 they got. Between the policy of the bureau to exclude every tree and the desire of the surveyor to get paid for angles, the homesteader secured a tract the boundaries of which it would make one dizzy to follow.

The gentleman has referred to the subject of water power. Why, we have had an object lesson of how much better the glorious West handles water power than the effete East does in a condition right here within sight of the dome of the Capitol. We have heard for years about the advisability of utilizing one of the finest water powers in the world for the benefit of the people of this city, and yet the East, which is trying to tell us just how to control our water powers, has been so derelict in its duty, so faulty in its laws, that it is practically impossible to turn the magnificent water power that lies within sight of this Capitol to the use of its citizens.

Mr. PARSONS. Let me say that the Government does not own a foot of land anywhere near this water power that the gentleman speaks of.

Mr. MONDELL. What if it does not? If that water power were in the State of Wyoming, the authorities of the city could file a water right on the Falls of the Potomac, proceed to buy or condemn the land on the borders of the stream, and utilize that splendid water power without let or hindrance by anyone. The ownership of the land on the borders of the stream would not prevent them for a minute from doing it, because the owner of the land having no claim on the water, his land would be condemned for what it was worth, without any regard to its proximity to the point of diversion.

Mr. PARSONS. That is not the law.

Mr. MONDELL. That is the law of the golden and glorious West; that is the law of most of the world, except the British Isles and the United States, until you get beyond the Missouri River. In the irrigation States the people own the water. No individual has a right in it but the right of user. Under control of the people, through the State, no one can hog a great water power and withhold it from use or commit acts of oppression in its use. The law of appropriation applies in all that territory, and this great water power could be utilized and would be utilized. If the owner of the land bordering on the stream was not disposed to sell at a reasonable price his land could be condemned.

Mr. PARSONS. But the value of the land is not as stated by the gentleman from Wyoming.

Mr. MONDELL. It is in our country.

Mr. PARSONS. I beg to differ with the gentleman.

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed \$650; to pay all expenses necessary to protect, administer, and improve the national forests; to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the District of Alaska in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July 1, 1912; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding \$500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent in the city of Washington and elsewhere, as follows.

Mr. MARTIN of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 30, line 22, after the word "exceed," strike out the words "six hundred and fifty," and insert in lieu thereof the words "five hundred."

Mr. MARTIN of Colorado. Mr. Chairman, before pressing the amendment, I would like to ask the chairman of the committee why the cost of erecting buildings, which I assume are forest rangers' stations or quarters, was increased from \$500 to \$850 in each case?

Mr. SCOTT. Mr. Chairman, several years ago the limit of cost of these improvements was \$1,000. Some three years ago the committee reduced it to \$500. Perhaps it was four years ago. This year the estimates, as they came from the department, asked that this limit be raised to \$1,000, and the chief



of the bureau and other officials explained that the reason they asked to have this limit increased was on account of the increased cost of labor and material and because in many remote and inaccessible places it was impossible to erect a satisfactory house within the limit of \$500. The committee examined into the matter carefully and reduced the amount asked for to \$650. We think it ought to stand at that, because there are many cases where the limit of \$500 is not enough to erect even the plainest kind of a cabin suitable for any family to live in the year round. I hope that the gentleman will not press his amendment.

Mr. MARTIN of Colorado. Mr. Chairman, I want to say in answer to the gentleman that as long as these buildings have to be erected at all, of course they ought to be put up in some sort of substantial condition; but I regard the forest-ranger stations as one of the most serious abuses of the entire institution, because the reports of the Forest Service show—the last available reports—that there have been more lands eliminated from the reserves for rangersteads than for homesteads, and these rangers in the employ of the Government are furnished all the land they need, from 40 up to 200 acres, and they are furnished pasture, and they are a sort of privileged class on the reserves; and in addition to that, Uncle Sam builds them a home at an expense of \$500, and it is an actual fact that in some cases these rangersteads have been taken away from settlers and turned over to the forest rangers.

Mr. MADDEN. What do they use the lands for?

Mr. MARTIN of Colorado. He can cultivate the lands, and pasture them and make any use of them of which they are susceptible, and he may incidentally use his authority and influence to prevent the settlement of contiguous territory.

Mr. MADDEN. Is not he on the Government pay roll?

Mr. MARTIN of Colorado. Yes.

Mr. MADDEN. Is he allowed to farm and raise cattle and all that in addition to getting the pay out of the Federal Treasury?

Mr. MARTIN of Colorado. He is. He is given the free use of from 40 to 200 acres of land and given a home by the Government.

Mr. MADDEN. What pay does he get?

Mr. MARTIN of Colorado. Seventy-five dollars a month, I understand, now.

Mr. MADDEN. And a free house and a free farm?

Mr. MARTIN of Colorado. Yes; and that is not all, but in repeated cases the Forest Service has gone in and kicked settlers off the lands and turned them over to these forest rangers, and instead of that land being a nucleus to attract other settlers it has become the vantage ground of a man whose interest it is to keep other settlers from taking up the surrounding lands and thus encroaching upon and honey-combing the reserves with homesteads.

Mr. LAMB. Why did not the gentleman come before our committee and let us know?

Mr. MARTIN of Colorado. I am coming before them; I am going to introduce a bill in this House during the next session to have topographical and economical surveys made of all the forest reserves in this country, for the purpose of eliminating every acre of land that is not timber—and that is all the man who established this institution originally intended to be within them—and I have recommendations of the gentleman who created the Forest Service system in this country to that effect before it became a fad with him and he was finally seized with the idea that he ought to include all the public domain within the boundaries of the so-called forest reserves.

Mr. LEVER. Mr. Chairman, will the gentleman yield for a question?

Mr. MARTIN of Colorado. I will.

The CHAIRMAN. The question is on—

Mr. MARTIN of Colorado. The gentleman from South Carolina asked me if I would yield for a question, and I said I would.

The CHAIRMAN. The Chair was in error. The Chair thought the gentleman had yielded the floor.

Mr. LEVER. I desire to ask the gentleman from Colorado whether or not he makes the statement that the forest rangers actually engage in agriculture and grazing.

Mr. MARTIN of Colorado. I do. I make the statement that the forest ranger, under the regulations in the Use Book, is permitted to select a tract of land of not less than 40 acres and not more than 200 acres. Am I right in that regard, I will ask the gentleman from Wyoming?

Mr. MONDELL. I know of no maximum limit.

Mr. MARTIN of Colorado. The gentleman knows of no maximum?

Mr. MONDELL. No.

Mr. MARTIN of Colorado. Well, they may have eliminated the limit recently, but my recollection is that that is the maximum, and not having the Use Book before me, I will say this, that there are a number of additional privileges. He can have this land withdrawn for his use, embracing from 40 to 200 acres, and pasture for his horses and live stock, and many other things.

Mr. MADDEN. Is a ranger allowed to take the time that he is supposed to employ in the Government service for the cultivation of the land that he is allowed to occupy?

Mr. MARTIN of Colorado. I will say to the gentleman that I do not know how you would bring him to book, if he did; but, so far as I am concerned, as long as he retains his present position and authority, I am willing he shall use all of his time in that way instead of harassing the settlers and prospectors on the public domain.

Mr. MONDELL. Mr. Chairman, I am in sympathy with the views of the gentleman from Colorado relative to these rangers' bungalows. I think that the average forest ranger's station ought to be built for about \$250. They are built of logs, and if they are on reserves there ought to be timber in the vicinity to build them, although sometimes there is not. All that is needed other than the material obtainable in the vicinity is the flooring, the windows, and the doors, and shingles, if necessary, and \$150 to \$200 ought to more than furnish and pay for putting them in place. There ought not to be more than \$250 spent for all ordinary stations at the most, over and above the rangers' work.

Mr. MANN. Why not live in a hollow log?

Mr. MONDELL. Some gentleman said, Why not live in a hollow log? This is a country—

A MEMBER. Where there are no hollow logs.

Mr. MONDELL. Where these rangers live sometimes there are no logs, hollow or otherwise.

Mr. COOPER of Wisconsin. Does the gentleman think there is no necessity for their having more than \$200—

Mr. MONDELL (continuing). I see no necessity why any should be above \$500, except, occasionally, where there is a central station required more may be required in the way of a house, and in a very few cases a larger sum may be necessary. There may be a dozen of such cases in all the reserves, and that being the case, I shall vote against the amendment offered by the gentleman from Colorado. Now, another word on the rangers' stations. The gentleman from Colorado said homesteaders had been compelled to give up their homes because they were wanted for rangers' stations. I trust that sort of thing is not occurring nowadays, but from my personal knowledge it has occurred in the past. Of course some sort of excuse was always made for that sort of thing; that the settler had temporarily abandoned his homestead or that he was not holding it in good faith or something of the kind.

I know of one place where until recently for several miles along a stream there was a string of ranger stations about a mile and a half in width. Now, whether that was all one ranger station, or two ranger stations, or half a dozen all put together, I do not know, but I do know that a third or a quarter of that area would be sufficient for the pasturage of the horses of the rangers, and the balance of that area happens to be fairly good agricultural land, which would raise good wheat. I think we are under a better administration than formerly, and I think there is not so much ground for complaint in regard to these matters, but it is true beyond question that rangers have in some cases taken the very cabin built by a homesteader and occupied it, and the homesteader has been unable to secure title to it. And it is also true that ranger stations—

Mr. PARSONS. Why has the homesteader been unable to secure title?

Mr. MONDELL. Because he was told when he went to occupy his land or enter it that it was not subject to homestead entry, because it was needed or withdrawn as a ranger station. That is why. They did it because they had the power to do it.

Mr. LEVER. I should like to ask the gentleman from Wyoming [Mr. MONDELL] if his information agrees with the information of the gentleman from Colorado [Mr. MARTIN] with reference to the forest ranger engaging in agriculture and grazing.

Mr. MONDELL. The forest rangers have horses, and they must have pasture. The ranger stations are absolutely necessary, and, so far as they are confined to reasonable areas there can be no possible objection to them. A ranger might cultivate a few acres of ground for feed for his horses. If he did, there certainly would be no objection to it. If he happened to have a family and wanted to raise a few vegetables, so much the better.

Mr. LEVER. Your information, then, does not accord with the information of the gentleman from Colorado on that proposition.

Mr. MONDELL. The gentleman from Colorado [Mr. MARTIN] did not say that they carried on farm operations.

Mr. MARTIN of Colorado. I said they were given the right to do it; they were given the right to select a tract of agricultural land to cultivate.

Mr. MONDELL. Of course the ranger stations are almost always land which has some value for agricultural purposes, and therefore, if not withdrawn for ranger stations, would often be sought by homesteaders. There are cases where there is an expenditure of as great an amount as that carried in the bill as the maximum for ranger buildings is necessary and therefore I can not support the amendment of the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Chairman, I ask leave to withdraw the amendment, because if it was carried it would simply be said that it was inspired by enmity on my part to these institutions. I therefore withdraw the amendment.

The Clerk read as follows:

Absaroka National Forest, Mont., \$11,520.

Mr. ENGLEBRIGHT. Will the chairman of the committee explain the difference in the amount of the appropriation this year and last year?

Mr. SCOTT. The present appropriation for the Absaroka National Forest, in Montana, is an apparent increase over the appropriation of last year. As a matter of fact, however, that increase is apparent only, and not real, because it is accounted for by the transfer to the statutory roll of a great many salaries that were heretofore paid under the lump sum.

Mr. STAFFORD. And that applies to all the remaining items in this section.

Mr. SCOTT. And I might say, in order to anticipate questions which might be asked, that the answer I have given to the gentleman from California [Mr. ENGLEBRIGHT] applies all the way down the line. We have transferred to the statutory roll salaries, in the aggregate something more than \$2,000,000, which during the current year are paid from a lump fund.

Mr. MANN. Paid from these funds.

Mr. SCOTT. Paid from these funds. Were appropriated in a lump for the support of the individual forests. But the amount has been deducted in each case. Of course, there may be now some readjustment of the funds among the forests. The gentleman will find, if he examines carefully, a number of new forests in this list. That is due partly to the fact that there have been changes in the names of forests, and partly to the fact that some forests which should have appeared in the list last year were inadvertently omitted.

Mr. ENGLEBRIGHT. I notice, Mr. Chairman, from the hearings that there was a large amount of money allotted from this item of general expenses for the purpose of fighting fire. How much of this sum of \$11,500 could be used somewhere else in other reserves?

Mr. SCOTT. Ten per cent of it could be used in any other reserve under the general provision. I will say to the gentleman that the direct appropriation for fire protection is the same in this bill as it is in the current law, namely, \$135,000.

Mr. ENGLEBRIGHT. What mixes me up is this: The total of this appropriation, for all of these national reserves, is \$2,699,420; now, 10 per cent of that would only be \$269,942, yet last year there was in the neighborhood of \$1,000,000 expended for fire purposes.

Mr. SCOTT. There is a general statute which authorizes the head of any department to create a deficiency in the presence of a great emergency, and I think no one will criticize the Secretary of Agriculture for authorizing the expenditure of the million dollars or so that was required to fight the fires which were raging through the forests last summer. That deficiency will be cared for by the Appropriations Committee in the usual way.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ENGLEBRIGHT. I should like to have five minutes more, to close up this subject.

There was no objection.

Mr. ENGLEBRIGHT. I do not desire to criticize the administration for furnishing money to fight fires. The question I wish to ask is, Does this bill provide so that in the future money can be obtained for fighting fires?

Mr. SCOTT. We have inserted in this bill a provision which will make it possible for the Secretary to use whatever money there may be in the Treasury coming from the sale of forest products, or from the grazing fees in the forest reserves, to fight fires, so that he will be able to have funds for this purpose without creating a deficiency. That provision, of course, is subject to a point of order, but I very much hope it will not be made, because I believe it is good legislation.

Mr. ENGLEBRIGHT. Would it not be better to increase the amount for fighting fires right in this bill?

Mr. SCOTT. No; I think not, because under ordinary conditions the amount carried in this bill is sufficient. It is only to provide for unforeseen emergencies that we submit the recommendation for the other provisions.

The Clerk read as follows:

Arkansas National Forest, Ark., \$13,783.

Mr. FLOYD of Arkansas. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 32, in line 18, after the word "dollars," amend by striking out the semicolon and inserting a colon and by inserting the following words:

"Provided, That no part of the money herein appropriated shall be expended in the prosecution of homesteaders for alleged violations of the homestead laws or in procuring the relinquishment of homesteads."

Mr. SCOTT. I reserve a point of order upon that amendment. I will make it, unless the gentleman desires to make a statement.

Mr. FLOYD of Arkansas. I desire to make a brief statement. In this connection I desire to send to the Clerk's desk and have read in my time an inquiry from the homesteaders of Scott County, and also an article published in the Fort Smith Times-Record of January 15, giving an account of the treatment of a homesteader of the Arkansas reserve, as disclosed in a recent trial in the Federal court.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Was it the intention of Congress that the appropriations for the special agents of the land office and the forest rangers be spent in the persecution of honest homesteaders and in the institution of "pestiferous suits" at the instigation of Government land and forest agents?

Has the head of the Government land office at Little Rock, Mr. Sanford, a right to keep homesteaders who have lived on their homesteads and complied with the law from receiving the patents due them, and to have indictments brought against homesteaders who have used their timber to improve their homesteads and have lived thereon for the required period?

Inclosed clippings from the Fort Smith (Ark.) Times-Record purport to reflect the sentiments of Federal Judge John H. Rogers, of Fort Smith, Ark., and to those present during the trials, much more could be said of the malicious harassing of homesteaders by the above Government agents.

Judge Rogers said in open court that these "pestiferous suits" were caused by the incompetence of the men making the investigations.

It seems impossible that the Secretary of the Interior or proper officials in Washington would allow the chief agent at Little Rock and his underlings to carry on this warfare against the settlers of the Arkansas forests if he was aware of the conditions, to say nothing of the immense waste of Government funds in bringing baseless suits and indictments.

Is it necessary to keep the Government agents at this work of persecution in order to spend the appropriation and keep them in lucrative positions?

HOMESTEADERS OF SCOTT COUNTY, ARK.

#### A DRAMATIC INCIDENT IN FEDERAL COURT ROOM.

A dramatic incident occurred in Federal court Saturday in the trial of the case in which the Government sought to recover damages from Thomas A. Johnson on a charge of removing timber from a homestead. The incident was one in which every homesteader in the district and every person interested in the work of the Government foresters is interested.

Thomas A. and Thomas H. Johnson, of Scott County, were both tried during the week on the above charge; and the two cases have taken up the larger portion of the court sessions for the week. Saturday the defendant was on the stand and his counsel was asking questions for the purpose of getting before the jury the history of defendant's homestead.

When reprimanded by the court for the indirection of queries, the counsel reminded the court that he was following the line of questioning assumed for the Government, when Judge Rogers sharply questioned the methods of counsel on both sides, declaring that counsel had consumed the time of the court for a day and half when witnesses might have told all they knew of the case in two hours; and the judge then took the defendant in hand himself.

It was evident that the defendant, a young farmer, was innocent of any knowledge of court procedure and somewhat in awe of his surroundings; but the judge quickly relieved him of his embarrassment and within half an hour had drawn from the witness an outline of his homestead history.

It was a picture of a young man with wife and child, who started out to make a home for himself by taking up a homestead near the home of his father. Clearing the timber little by little; his young wife and baby living with him in the little log house from period to period as the work of putting the tract in cultivation progressed; frequently going back to father's for short periods; father helping son on the homestead and son helping father at other periods. Small crops and timber exchanged for fence wire, team, wagon, and implements from time to time as exigencies permitted, always with the aim to build a home. After a struggle extending through three years \$200 was paid to the Government and \$15 fees out of money the young man had accumulated, pieced out with loans borrowed from father.

After the judge had drawn out the whole story, the judge remarked: "That is all. Has the defense any further questions?" Defendant's counsel had the wisdom to see that the court had made his case for him and rested. The prosecuting attorney asked permission to cross-examine. After two or three questions on other points, the witness was asked:



"What did you do with the brush on the land from which timber was cleared?"

"I burned part of it and part is still in piles."

"Is it not a fact that you did not pile and burn any brush until ordered to do so by the forester?"

The witness replied that it was not; but the proceedings were instantly halted by the remark of the court:

"The forester had no business to give any such orders. Homesteaders are not in the keeping of the Forestry Department; nor has that department anything to do with this suit. It is in charge of this Federal court district."

The court also made some sharp comments upon forestry-law complications and the institution of "pestiferous suits" which harass families actually seeking to make homesteads, who are entitled to the support and assistance of the Government; and called attention to the fact, that in the case at bar, the evidence showed that the making of that homestead has been held up for nearly three years, while the Government has retained the \$215 the defendant had paid, and has hampered the defendant in his effort to make a home for himself, wife, and child.

Both prosecution and defense quickly announced their case closed, and the court laconically remarked: "Go to the jury."

The jury were out of the room just four minutes when they returned a verdict of not guilty. In discharging the jury, the court said:

"I feel that it would not be doing justice, to close this case without saying that, for the Government to forfeit this man's homestead under the showing made here, would be a fraud and an injustice. This case should never have been brought into this court. It has cost the Government fully \$1,000 in jury and witness costs and in holding back other cases with their witnesses for the larger part of the week; and if it had been brought on adequate grounds the Government could have won a verdict of not over \$200. There should be distinction made between the man who deliberately undertakes to take advantage of the homestead laws for his own profit and the man who, with honest intention to secure a homestead, may technically violate some of the timber provisions. The Government is solemnly bound in duty to aid the man who, under the homestead law, seeks to establish a home, and not, instead, to harass and hamper him."

Mr. FLOYD of Arkansas. Mr. Chairman, I would like unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes. Is there objection? There was no objection.

Mr. FLOYD of Arkansas. Mr. Chairman, I am not acquainted with the Forest Service as administered in other sections of the country as well as I am with its administration in the Ozark National Forest in Arkansas. The proclamation of the President which established the national forests in Arkansas provided specifically that the lands previously taken by the homesteaders should not be interfered with. But the Forestry Department assumes the right to so interfere, to hunt out flaws in their title, to cause to be canceled, and on various pretexts to suspend entries. I have here a copy of the hearings taken before the Public Lands Committee on this subject on a bill pending before that committee, in which it is shown in a report made by the Secretary of the Interior—and this report was made during the last session of Congress—that since the establishment of the Forest Service in Arkansas in the Ozark National Forest alone the forest officers have reported adversely on 149 homesteads, holding up and suspending many and causing the cancellation of others, while during the same period the special agents of the Land Department, who have never been accused of neglecting their duty in our section—in fact, we have always regarded them as rather active and vigilant public servants—have recommended the suspension of only 18 entries made by homesteaders.

Now, there are two propositions in my amendment; one is that no part of the money appropriated in this item shall be expended by the Forestry Bureau in the prosecution of homesteaders for alleged violations of the homestead law. We have Federal courts, over one of which the distinguished Judge Rogers, who rendered the opinion referred to in the article just read and who for many years was a Member of this House, presides, with ample facilities to prosecute all violations of the Federal law, either outside of these forest reserves or within that territory. Why should the Forestry Bureau be made a detective agency to hunt down helpless and inoffensive homesteaders in these regions? Is it a crime for a poor man to seek to acquire a home?

The second proposition in the amendment is that no part of the money appropriated shall be used to aid the forest officers in procuring the relinquishment of homesteads. I submit that under no law, under no statute, is it a part of their duty to procure relinquishments of homesteads. A short time ago a homesteader wrote me a letter of inquiry as to the status of his homestead. I made inquiry at the Land Department, and learned that more than a year ago he had signed a relinquishment of his homestead to a forest officer. I submit that that is no part of the proper administration of the Forest Service and that this amendment ought to be adopted in justice to the homesteader.

Why, if they fail to comply with the homestead laws when they seek to make final proof at the land office, they will be confronted with that failure and the claim rejected. Why this hurry to induce homesteaders to surrender their rights; why

this urgent demand for the enforcement of the homestead law? The report of the Secretary of the Interior shows that in the Ozark National Forest more than two-thirds of all the land embraced within the boundaries is owned outright by private individuals or held by claimants under valid land laws. Only one-third of the entire area belongs to the public domain.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MACON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. SCOTT. The gentleman has already had 10 minutes.

Mr. FLOYD of Arkansas. I do not take up much time of the House, and I have only had five minutes in my remarks, and I ask for five minutes more.

Mr. MANN. I ask unanimous consent that debate on this paragraph close in 10 minutes.

Mr. SCOTT. I ask that debate close in 10 minutes and I be recognized for the last five.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. FLOYD of Arkansas. Mr. Chairman, it has been claimed by the representatives of the Forestry Bureau that they favor and encourage the making of homesteads in the national forests in Arkansas. That fact I controvert and deny. In the report of the Secretary of the Interior, already referred to, which I hold in my hand, it is shown that since the establishment of the Ozark National Forest, at the instance of the forest officers, adverse reports have been made on 149 homestead entries, and 117 of said entries have been canceled or suspended, embracing a total of 16,641 acres of land. There have been recommended 48 entries of new homesteads under the forest homestead act, and 44 of these have been allowed, and the entire area embraced in the homestead entries favorably recommended is 1,670 acres of land. In other words, these forest officers are pursuing a policy that is adverse to homesteaders and that brings back into the forest more lands by cancellations than are taken out by new homesteads. The figures just cited show that by relinquishments, cancellations, and suspensions they have acquired for the reserve 16,641 acres, while the new homesteads allowed under the forest homestead law embrace only 1,670 acres of land.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. MONDELL. The gentleman was present at the hearings on the Arkansas reserve last year?

Mr. FLOYD of Arkansas. Certainly.

Mr. MONDELL. The gentleman recollects that they confine these homesteaders to exceedingly small areas in the majority of the cases. Does the gentleman remember the average area of the homestead?

Mr. FLOYD of Arkansas. It was less than 35 acres, I think about 34. That was the average area in the homesteads allowed in these forest reserves, and then not only did they confine them to small areas, but I desire to call attention to the irregular shape and description of them. The gentleman from New York [Mr. PARSONS] spoke of a trip that he took last summer through certain forest reserves of the West. Last summer I was in the Ozark Forest Reserve and my attention was called to one of these forest homesteads, and as I remember it took 22 calls to describe it—just a little section here and there, irregular in shape, and they had connected up these little tracts and allowed a forest homestead. In other words, the policy in the Ozark and Arkansas National Forests by these rangers on the ground, who are the men in authority, is to do everything to discourage homesteading.

Mr. COCKS of New York. What was the reason for this peculiar demarcation of the lines of that homestead?

Mr. FLOYD of Arkansas. The gentleman will have to ask the Forestry Department. The land is sectionized. There is no excuse for it whatever.

Mr. COCKS of New York. What is the gentleman's idea?

Mr. FLOYD of Arkansas. My idea is that the sole reason is to discourage homesteading, and, in my judgment, the purpose is to make homesteads undesirable in that territory so that no man will come there with the view of making application for a homestead.

Mr. COCKS of New York. It is not the fact that because only that much was agricultural land?

Mr. FLOYD of Arkansas. No; I do not so understand. They may have had a theory of that kind, but I do not think it is correct.

Mr. COCKS of New York. Give us a little idea of the character of this land. Is it rocky and mountainous?

Mr. FLOYD of Arkansas. Some of it is mountainous and some of it is a level plateau.

Mr. COCKS of New York. All good agricultural land.

Mr. FLOYD of Arkansas. Not all, but a great portion of it, and some of it is the finest horticultural land in the world. The lands in that region, similar to those included in the forest reserve, particularly in Washington County, where the fruit industry has been highly developed, will yield more than \$100 per acre on fruit per year.

Mr. COCKS of New York. This particular land that the gentleman speaks of?

Mr. FLOYD of Arkansas. The same character of land.

Mr. COCKS of New York. Was this land cleared or did it have timber on it?

Mr. FLOYD of Arkansas. I could not tell you as to that; but land in that region generally has timber on it.

Mr. MONDELL. Would it not have been possible in most of these cases to have given a man 160 acres of land containing but very little timber and practically all agricultural land?

Mr. FLOYD of Arkansas. It would have been possible, and in common justice it ought to have been done in all cases, and the boundaries should follow the legal surveys of the Government. There is no reason why in that territory it should be otherwise.

Mr. SCOTT. Mr. Chairman, after carefully reading the amendment offered by the gentleman from Arkansas, I am of the opinion that it is not subject to the point of order. I therefore withdraw the point of order and desire to be heard for a moment on the merits of the amendment.

This amendment reads as follows, and I hope gentlemen will listen to the reading:

*Provided, That no part of the money herein appropriated shall be expended in the prosecution of homesteaders for alleged violation of the homestead laws or in securing relinquishment of homesteads.*

I submit that if this amendment were adopted and this language should go into the law and notice of it should be published broadcast, as it probably would be, the result would be to give the impression to the people living in the neighborhood of this forest that all attempts to enforce the homestead laws were to be abandoned.

Mr. MANN. And it might be construed that no part of the money appropriated by this bill may be used to enforce any provisions of the law.

Mr. SCOTT. I think that is a very reasonable construction. Now, all I care to say is this: It has been reported to the committee that a very large number of fires occurred in the Arkansas reservation, and that of the number probably 20 per cent were incendiary, which leads to the conclusion that there is a great deal of hostile sentiment toward the forest policy in the neighborhood of this forest.

Now, I submit that if we should adopt this amendment it would encourage that sentiment and would give an impression, as I suggested a moment ago, to the people living in the vicinity of the forest that no attempt was to be made hereafter to prosecute any violations of the homestead law. I do not believe this Congress can afford to take action which might be given such construction.

Mr. FLOYD of Arkansas. If the gentleman will permit me, I submit to the gentleman from Kansas that my amendment does not warrant any such construction. There is nothing to limit the use of this money in the prosecution of persons who put out fires, but for violation of the homestead laws.

Mr. SCOTT. I know exactly what the gentleman's amendment provides.

Mr. FLOYD of Arkansas. The gentleman certainly does not insist it would prevent the use of it for the prosecution of men who put out fires.

Mr. SCOTT. Undoubtedly it would not, but it would encourage a spirit of lawlessness and a spirit of hostility toward the policy of the department, which, I understand, already exists there, because it must inevitably be considered as the deliberate expression of this Congress that violations of homestead laws were not to be prosecuted in this particular section of the country.

Mr. FLOYD of Arkansas. Will the gentleman yield for another statement?

Mr. SCOTT. Yes.

Mr. FLOYD of Arkansas. I insist that my amendment does not prevent a prosecution for violation of the homestead laws by the Government; that it simply prevents making these forest officers agents in the prosecution of the violation of these laws.

Mr. SCOTT. I understand that perfectly well, but the gentleman will agree, I think, that—

Mr. FLOYD of Arkansas. That, in my opinion, instead of instigating a feeling against the policy, it would have the very opposite effect, and that it would have a tendency to create an impression among the people that the department had under-

taken to treat the public and the homesteader more fairly than heretofore.

Mr. SCOTT. The gentleman is well aware that the average layman is not apt to draw fine distinctions in the construction of a law; and I still insist that if we adopt this amendment, providing broadly that no part of the money herein appropriated shall be expended in the prosecution of homesteaders for violation of the law, it would create an impression among the people, who do not know, perhaps, as the gentleman from Arkansas does, that there is money available from some other appropriation for such prosecutions. It would create an impression, I say, in the minds of such people that all money for the prosecution of those violating the homestead laws had been denied, and therefore that they could commit any offense against these laws with impunity. Surely the Congress of the United States can not afford to vote for an amendment which will make it possible for such an impression to be created.

Mr. MARTIN of Colorado. They would soon see the difference if they undertook to violate them—

Mr. SCOTT. They would find it out then after the trouble had arisen. We want to prevent the trouble from beginning.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced that the yeas appeared to have it.

On a division (demanded by Mr. FLOYD of Arkansas and Mr. MARTIN of Colorado) there were—yeas 13, yeas 24.

So the amendment was rejected.

The Clerk read as follows:

Missoula National Forest, Mont., \$20,561.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I notice that the statutory roll as provided for in this bill amounts to \$2,318,680, and of that amount the sum of \$586,580 is for clerical service and \$1,733,100 for rangers and supervisors.

I wish to ask the chairman of the committee if, under the provisions of the bill, the department is authorized to employ rangers in cases of emergency or in the ordinary conditions that occur in the fall when there is danger from fire and an additional force is needed.

Mr. SCOTT. There is a provision on page 45 in the bill for fighting forest fires and other unforeseen emergencies, \$135,000. I think without doubt under that provision the service could employ additional help.

Mr. MONDELL. I recognize that under that provision the service could employ additional rangers, but is it the understanding of the chairman of the committee that temporary additional rangers which are required in the fall, even under ordinary conditions, must be employed with the specific appropriations for the respective forests?

Mr. SCOTT. That is the understanding of the committee. The gentleman realizes that the appropriation for the respective forests is made in a lump fund, and I think that without the emergency employment could be paid for out of those lump funds.

Mr. MONDELL. The employment I have referred to is not quite an emergency employment. I assume the rangers provided for are the annual rangers.

Mr. SCOTT. Yes.

Mr. MONDELL. And it is necessary almost every year to employ some additional rangers during the fall?

Mr. MANN. But this covers field and station expense. That includes everything.

Mr. MONDELL. That answers my inquiry, if the gentleman from Illinois is correct. I simply desired to know that these sums could be used for that very necessary purpose.

Mr. MANN. They are being used for that very purpose now.

Mr. SCOTT. I think the gentleman from Illinois [Mr. MANN] is correct.

Mr. MANN. Under existing law, and in precisely the same language.

Mr. MONDELL. I want to call the gentleman's attention to the fact that under the appropriation of last year all the rangers were paid out of the lump-sum appropriations for the reserves.

Mr. SCOTT. And the language is just the same this year in this bill as it is in that bill of last year, the current law; so the authority is precisely the same.

Mr. MONDELL. Then the transfer of the men now employed in the Forest Service to the statutory roll in no wise limits the authority of the department in securing the services and paying for the services of additional rangers?

Mr. MANN. They can use all the money that is appropriated here for that purpose if they want to do so.

Mr. SCOTT. The authority is conveyed.



Mr. MONDELL. I thought it important we should understand that.

Mr. SCOTT. In this language:

For salaries and field and station expenses, including the maintenance of nurseries, collecting seed, and planting, necessary for the use, maintenance, and protection of the national forests named below.

That provision applies to each forest.

Mr. MANN. That is the same as existing law, with the exception of the language included which has reference to this section.

The Clerk read as follows:

Moapa National Forest, Nev., \$1,101.

Mr. ENGLEBRIGHT. Mr. Chairman, I move to strike out the last word. We have here—

Moapa National Forest, Nev., \$1,101.

Can the chairman of the committee tell us what the expense otherwise in that reserve is?

Mr. SCOTT. I have no information except what appears in the bill.

Mr. ENGLEBRIGHT. As the appropriations for these different reserves vary from \$29,000 to \$1,101, it seems it ought to be looked into to see what is doing.

Mr. SCOTT. If the gentleman will permit me to make a brief statement in his time, I think I can explain why it is impossible to make a specific answer to his question.

The gentleman will no doubt remember that until the current year these appropriations have been made in a lump sum, and the expenses of administering the forests were paid out of that lump sum. For the current year the committee required a specific estimate, and that estimate was made, setting out the amount which it was proposed to expend for the care, maintenance, and protection of each individual forest. Naturally, it was impossible for the Forest Service to make accurate estimates of the amount that would be required for each individual forest. They guessed if off the best they could. They have now had at the time these estimates were submitted some months of experience with the new method of appropriation, and that experience had resulted in giving them certain information, upon the basis of which they made another guess of the amount that would be required to maintain the individual forests. Now, it is true, as the gentleman states, that the amount for the maintenance of these forests covers a very wide range, but he will remember that the forests themselves differ greatly in size, in proximity to transportation, and in other particulars, upon which the cost of their maintenance would be predicated. He will understand, of course, that more money will be required to administer a forest from which a large amount of timber is being sold, or in which a great deal of range exists, than in a remote and inaccessible forest, from which no timber is being sold and in which there is no range.

Mr. ENGLEBRIGHT. The idea is that in the bill of a year ago the appropriations were made for each individual forest reserve, which included rangers, assistants, and large amounts of salaries. Now, as the bill comes in, the rangers, assistants, and other employees are all bunched together under the head of salaries, so that we are no longer in a position to ascertain what the expense of each individual reserve is.

Now, take the reserve immediately following this—the Modoc National Forest, Cal. The appropriation this year is \$18,671 less than it was last year.

Mr. SCOTT. That reduction is accounted for, no doubt, by the transfer of salaries which last year were paid from the lump fund for the maintenance of this forest.

Mr. ENGLEBRIGHT. From what we have before us we can not tell whether that is a proper reduction or not.

Mr. SCOTT. That is very true, but it is due to the fact that this method of appropriation has not been pursued long enough to give us any range of time by which to make comparisons. I believe that each year the itemized appropriation here will be of more value in helping Members of the House to determine the expenditures for the respective forests, because they can compare the appropriation each year with that of preceding years.

Mr. ENGLEBRIGHT. Would it not have been better to keep it in the same shape it was last year?

Mr. SCOTT. We were unable to keep it in the same shape it was last year, because this House placed upon the appropriation bill a provision which imperatively commanded the Secretary of Agriculture to send in specific estimates for all executive officers, clerks, and employees.

Mr. ENGLEBRIGHT. I accept the gentleman's explanation.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Nebraska National Forest, Nebr., \$2,919.

Mr. KINKAID of Nebraska. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 40, line 4, by adding after the words "dollars" the following:

"Provided, That from the nurseries on that forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by 'An act increasing the area of homesteads in a portion of Nebraska,' approved April 28, 1904."

Mr. KINKAID of Nebraska. Mr. Chairman, the Government is experimenting in reforesting the sand-hill portion of western Nebraska, and these nurseries for the planting of seeds and growing of small trees are situated upon that forest reserve. Now, the Government produces more of these young trees each year than it uses, and has some to spare, and has been giving away the surplus to settlers, who emulate the example of the Government in trying to grow trees. Other settlers are very desirous of profiting by the example of the Government in growing trees and by the experience of the Government, and will profit by it and will help the Government, free of charge, to experiment in growing trees in the sand-hill country; and the provision authorizes and legalizes the giving of these trees to those who live in that same region and want to plant trees upon their farms.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. KINKAID of Nebraska. Yes.

Mr. MONDELL. What success has the Government had in growing trees on this forest reserve?

Mr. KINKAID of Nebraska. So far as my humble judgment extends, I would say that the success has been pretty good for an experiment. They do not expect that every tree will grow, but perhaps one-fourth of them will. They are set out very liberally, like sowing seed, and one-fourth, or even one-fifth, will produce a very fine forest, and the success is beyond what any person dreamed of in the first place.

Now, I will say there is one very notable object lesson existing in the State of Nebraska, in a sandy locality, where the trees are now 18 years of age. I believe in the first instance there was set out 3 acres, but a prairie fire destroyed all but 1 acre. Those trees are now about 40 feet high and promise to make saw timber. The success of this experiment is the warrant the Government has for planting thousands of acres in western Nebraska.

Mr. MONDELL. Pine timber?

Mr. KINKAID of Nebraska. Yes; northern Michigan and northern Wisconsin jack pine, together with some bull pine.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. KINKAID].

The amendment was agreed to.

The Clerk read as follows:

Ozark National Forest, Ark., \$11,496.

Mr. FLOYD of Arkansas. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

On page 40, in line 18, after the word "dollars," amend by striking out the semicolon and inserting a colon and by inserting the following words:

"Provided, That no part of the money herein appropriated shall be expended in the prosecution of homesteaders for alleged violations of the homestead laws, or in procuring the relinquishment of homesteads."

Mr. FLOYD of Arkansas. Mr. Chairman, this amendment is similar to the one I offered a few moments ago relating to the Arkansas National Forest, and the arguments in support of that are applicable to this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For silvicultural and other experiments and investigations within national forests necessary for tree planting, for the reproduction of existing forests, and the regulation of cutting, \$166,640.

Mr. MONDELL. Mr. Chairman, I desire to ask the chairman of the committee if the appropriation in the paragraph just read is to be used for the gathering and planting of tree seed, or simply for investigation? What part of the bill provides for gathering of seed and for actual planting?

Mr. SCOTT. Does the gentleman refer to the paragraph in reference to tree planting or the improvement of range conditions?

Mr. MONDELL. The paragraph on page 46, whether that is for actual reseeded and the purchase of seeds or simply for investigation?

Mr. SCOTT. Simply for investigation. There is another place, at page 32, which would provide for collecting of seeds,

but this particular paragraph to which the gentleman refers—page 46—is intended to make provision for investigating the best method of reseeding the ranges.

Mr. MONDELL. Do I understand the gathering and the collection of tree seeds and the sowing or planting must be provided for out of the specific appropriation for each reserve?

Mr. SCOTT. Yes.

Mr. MONDELL. I want to say that the department for the past year or two has been doing some very important and useful work in gathering seeds and reseeding. I understand they have departed somewhat from the past policy of attempting to plant trees from nurseries, and, as I understand it, while they continue that practice to a certain extent their policy is, in the main, to gather the seed from the forests and sow it broadcast.

I believe it is an exceedingly important work and I believe that it will be very successful. I think some of the work that the department has been doing recently in this line has been very helpful and will ultimately result in reforesting a considerable area.

Mr. MARTIN of Colorado. Has the gentleman seen any of that work?

Mr. MONDELL. I have seen the work of gathering the seed, and in one of the reservations I saw an area that was said to have been reseeded some two or three years ago.

Mr. MARTIN of Colorado. What was the condition of it?

Mr. MONDELL. There were a good many young trees, and it seemed to be quite successful. The gentleman understands that the reseeding of evergreens is not an easy matter; that the conditions must be just right, and that oftentimes the seeding will apparently be without results because the conditions are not perfect; but in almost every case reseeding will eventually effect a growth of trees to some extent. Evergreen seed will lie preserved in the earth for a great length of time. Conditions may not arise under which it will germinate for some years, and yet ultimately, if it is properly distributed, there will be a considerable germination. While the resulting benefits are not always apparent at the time the seed is sown, I think the general sowing of the seed broadcast over a denuded area is an exceedingly useful and valuable work. I do not mean, of course, that an attempt should be made to retain in the reserves agricultural land on the theory that it may be forested, but areas suitable for tree growth and not fit for agriculture may be forested or reforested somewhat by broadcast sowing.

Mr. SCOTT. Mr. Chairman, from the remarks made by the gentleman from Wyoming, I discover that he is talking about a paragraph which provides for tree planting, whereas in my former answer I supposed he was referring to the paragraph providing for the reseeding of grasses on the ranges. I shall be obliged to modify my reply somewhat.

During the past year, up to this time, there has been a small appropriation to allow the Forest Service to carry on experiments to ascertain the best methods of reproducing the forests.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SCOTT. Mr. Chairman, I will take the floor in my own right, if I may. As a result of these experiments, the service has now decided that it has developed satisfactory methods by which it will be able to reseed large areas successfully. The committee therefore this year authorized an increase of \$100,000 in this paragraph, believing that the work of reforesting the denuded areas, which are better adapted to the growth of forests than to anything else, ought to begin at once.

I make this statement merely to correct any misapprehension that my former statement may have created and to confirm what the gentleman from Wyoming has said as to the success of the research that has heretofore been made.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman from Kansas [Mr. SCOTT] permit me to ask the gentleman from Wyoming [Mr. MONDELL] a question?

Mr. SCOTT. Certainly.

Mr. MARTIN of Colorado. The gentleman from Wyoming has made the first statement I have ever heard going to indicate that the Forest Service has ever grown any trees.

Mr. MONDELL. No; the gentleman from Nebraska just offered a little testimony on that point.

Mr. MARTIN of Colorado. I did not hear that. The gentleman's statement was the first that I ever heard. I would like a little information about the matter.

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. SCOTT. Yes.

Mr. MARTIN of Colorado. I would like to ask at what altitude these trees were grown.

Mr. MONDELL. Mr. Chairman, of course we all understand that we can not grow trees above timber line; that the trees must be grown below timber line.

Mr. RUCKER of Colorado. I want to say that Mr. Pinchot said to the contrary.

Mr. MARTIN of Colorado. What was the altitude that these trees were grown at that the gentleman saw?

Mr. MONDELL. Those particular trees were grown at an altitude of about 6,500 feet.

Mr. MARTIN of Colorado. On a mountain side or down in the valley?

Mr. MONDELL. They were on rocky hills. They were in a very proper place to grow trees.

Mr. MARTIN of Colorado. How many acres were there of them?

Mr. MONDELL. There was quite a considerable area. There were a hundred acres or more of the territory I saw that was thickly covered with young trees. I have seen hundreds of thousands of acres just as well covered by nature.

Mr. MARTIN of Colorado. Certainly.

Mr. MONDELL. But it happens that there are some localities where the conditions are such that nature can not reforest. For instance, where a forest fire has gone over a territory and burned all of the matured trees, and a thick growth has come up of young trees, and another fire comes along before the young trees are sufficiently matured to produce seed, and that fire wipes them out, that area has no means of reproduction.

Now, on such an area the Forest Service can sow seed broadcast, and though it may not come up the first year or the second or the third, a broadcast sowing of the proper seed on such an area will eventually produce results, if you keep the fire out and allow a reasonable grass mat to form. The Forestry Service last year began on a considerable scale the collection of seeds, and I am told contemplate the policy of broadcast sowing of seeds, particularly in the spring on the late snows. Seed sown on the late snows, if the conditions are just right, germinate the first year. If they do not, they may later. It is an important work, and ought to be cheaply done. This thing of planting out trees one at a time is a mighty slow, expensive process, and we will never produce national forests in that way, but we can help in the reproduction of the forests by the broadcast sowing of seed, and that I understand is in the main the policy of the department now, and I bid them godspeed in the good work.

Mr. MARTIN of Colorado. Just a moment.

Mr. SCOTT. Mr. Chairman, I must decline to yield further. I believe we can vote on this proposition now.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

*Provided*, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: *Provided further*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public: *Provided further*, That so much of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," approved March 4, 1907 (34 Stats. L., pp. 1256, 1270), which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal.

Mr. FOSTER of Illinois. Mr. Chairman, I make a point of order on the paragraph.

Mr. STAFFORD. Mr. Chairman, I make a point of order on the paragraph.

Mr. MANN. Let us come to some agreement in regard to the points of order and then rise.

Mr. FOSTER of Illinois. I think this is a very important subject.

The CHAIRMAN. Does the gentleman from Illinois reserve his point of order or make it?

Mr. FOSTER of Illinois. I would like to hear an explanation; it may be all right.

Mr. SCOTT. Mr. Chairman, I hope the point of order will be reserved, and I believe the explanation that I shall offer will



convince the gentleman that it ought not to be pressed. Under the practice of the department it often happened in the past that moneys have been collected for timbers cut upon what was believed at the time to be a national forest, but which was later found to be individual or corporation ground. For example, the department collected from the Northern Pacific Railroad at one time a considerable sum of money for timber cut upon land which was believed at the time to be within a national forest. It was discovered afterwards that the timber was cut upon land which belonged to the Northern Pacific. But there was no authority under the law for the Secretary to refund the amount of money thus erroneously collected. It could only be obtained by coming to Congress or going before the Court of Claims.

There are similar cases in which money has been erroneously collected from individuals, homesteaders who it was believed had trespassed upon the national forest, when it afterwards developed there had been no trespass, but the man's money had been collected by the department and there was no way for the Government to refund it except by act of Congress or by the award of a court. In other words, we had wrongfully taken his money and given him in return nothing but a claim against the United States, and we all know what that means.

Mr. FITZGERALD. What is the meaning of the language in lines 2 and 3, page 48—

Or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal.

Mr. MARTIN of Colorado. That is where these forests rangers come in.

Mr. SCOTT. I suppose that is the same thing; it is an illegal act for the homesteader or anyone to cut timber from a national forest without a permit or without having bought it.

Mr. FITZGERALD. That is something additional, otherwise they would not describe it, for it is not necessary.

Mr. MARTIN of Colorado. That simply means illegal acts of these forest rangers. That is virtually what it means, that where forest rangers or other forest officers have deprived homesteaders and settlers of their rights, claiming a homestead, it is an act in violation of the law and it is sought then to make compensation to the outraged settler in that case.

Mr. MANN. That is not what it means.

Mr. FITZGERALD. If that is the intention of the provision, it will go out.

Mr. MANN. It says that where alleged illegal acts have been committed and such acts are subsequently found to be proper and legal, you can refund the money which has been collected on the ground that such acts were illegal. It relates to the act of the homesteader.

Mr. FOSTER of Illinois. Does this give the Agricultural Department or the Secretary of Agriculture authority to settle all these claims that arise in this way in the Forest Service?

Mr. MANN. Undoubtedly; he has authority to settle matters.

Mr. STAFFORD. Is there any report made to Congress by the Secretary of Agriculture in regard to the refund payments now provided by law?

Mr. SCOTT. The law now authorizes the Secretary to refund money which has been deposited by individuals or corporations in the course of the business of the forest reserves in excess of the sum actually due, but I think no report is made to Congress.

Mr. STAFFORD. Do you not think in the handling of a sum of money that will run into thousands of dollars it is advisable for the Secretary of Agriculture to make some report to Congress as to the disposition of those funds?

Mr. SCOTT. All those transactions are on record, of course, in the office of the Treasury. All money received from any source in the Forest Service is immediately deposited in the Treasury of the United States, and of course it can not be withdrawn except upon a voucher which the Treasurer recognizes as being authorized by law. So I am sure the transaction is fully protected and is a matter of public record.

Mr. STAFFORD. It may be of public record, but nevertheless Congress might be entirely oblivious of everything that was being done as to the use of this fund. If we are going to give the head of any department absolute power over the control of funds, then I think it should be scrutinized.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. Scott] has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. FOSTER of Illinois. As I understand this matter, it is in order to enable the Secretary of Agriculture to settle a lot of little claims that may come up.

Mr. SCOTT. That is all it is in the world.

Mr. FOSTER of Illinois. I can see no harm in it, and I am willing to withdraw the point of order, so far as I am concerned.

Mr. FITZGERALD. The gentleman has not made very clear whether the language I have called his attention to covers the matters specifically referred to, or some additional matters.

Mr. STAFFORD. I understand, Mr. Chairman, the point of order I reserved is still pending?

The CHAIRMAN. Several gentlemen reserved a point of order.

Mr. FITZGERALD. The amendment proposes to appropriate and to permit the Secretary of Agriculture to refund moneys erroneously collected for the use of any lands, or for any timber or other resources sold from any lands, located within but not a part of the national forests, or for any alleged illegal acts done upon such lands, which acts are subsequently found to be proper and legal. Now, for what alleged illegal acts, outside of the cutting of timber and selling the timber or other resources, can the Secretary collect money from the persons in possession, if at all?

Mr. SCOTT. I think that can be answered in this way. The first part of this proviso, which the gentleman read, refers to the refunding of money which is collected for an act which was not believed at the time to be an illegal act, as illustrated by the case in which timber was cut upon land which at the time it was cut was believed to be in a reserve, but afterwards found to be outside of a reserve. The second part of the proviso relates to the collection of money for a deliberate, or perhaps an accidental, trespass. For example, a homesteader might deliberately go into a national forest and cut timber. He might, of course, be prosecuted criminally, but it has always been the practice of the service to dismiss the case, or, rather, not to bring any suit if the man is willing to pay the required price for the timber that was cut; or his stock might go upon a range without any contract being made. That would be an illegal act, but the case would not be carried to court. It would be settled by the payment of the usual fees.

Mr. FITZGERALD. This refers to illegal acts which were subsequently found to be legal.

Mr. MANN. Alleged illegal acts. Suppose an alleged homesteader, on his own homestead, has grazed sheep on a forest reserve and they tell him he has to pay over money, and he does it. He asks for an investigation, and at the investigation it was ascertained that the sheep were on his own land and that there was no illegal act.

Mr. FITZGERALD. That does not cover the cases to which the gentleman from Kansas has referred, where the homesteader grazes his cattle on a forest reserve, and a prosecution is about to be instituted, and he pays to the Government a certain compensation for the grazing. Why should that ever be refunded?

Mr. MANN. Well, it should not.

Mr. SCOTT. It should not. I had not completed my statement, although the observation which the gentleman from Illinois made practically completes it. This provision seeks only to refund money which was collected upon the theory that an illegal act had been committed, when it was afterwards found that the act was legal.

Mr. FITZGERALD. How many cases of this character are there in the course of a year, or of any specified time? Has the gentleman any information as to the extent of this?

Mr. SCOTT. I can not answer specifically how many cases there are.

Mr. FITZGERALD. Are there any large amounts involved?

Mr. SCOTT. No; there are no very large amounts involved. But there are a great many small sums, and that makes such a provision as this all the more necessary. We do not want to force men into court to collect a trifling amount which was taken from them by the Government's own error.

Mr. RUCKER of Colorado. In answer to the gentleman from New York, thousands and thousands of dollars have been collected by these agents and rangers for grazing privileges and cutting of timber, paid under protest, and there is now pending in the Supreme Court of the United States a suit, which is down for hearing, which will decide the principle involved in all of them. The language of this act seems to me to cover such cases, and when it has been determined, as we hope it will be, by the decision of the Supreme Court of the United States that this was an illegal act, then this money will be paid back by the Treasury without individual suits. I will say to the gentleman that there are thousands and thousands of dollars which have been paid for grazing purposes and for cutting of timber which will be recouped if the Supreme Court of the United States decides in our favor.

Mr. TAWNEY. I want to say to the gentleman from Kansas that a similar provision is carried in a number of appropriation bills in relation to other departments, but there is a limitation on the head of a department as to the amount of money that can be refunded from the Treasury of the United States, and in this case it seems to me that the language is unfortunate, because it does not provide any tribunal that is to determine the question of the legality or the illegality of these acts, except the Secretary of the Treasury himself, and it does not even clothe the Secretary specifically with that authority. The authority would exist only inferentially.

Mr. RUCKER of Colorado. The Secretary would follow the decision of the Supreme Court of the United States.

Mr. FOSTER of Illinois. If the Supreme Court should decide that the money was collected illegally, would it not give him the right to settle all those claims, which might amount to millions of dollars?

Mr. TAWNEY. He may pay out any amount from the Treasury of the United States of the claims that are collected. It leaves the matter wholly within the discretion of the Secretary of the Treasury and the Secretary of Agriculture as to what are legal acts or what are illegal acts.

Mr. SCOTT. I do not see how that follows.

Mr. TAWNEY. It follows as clearly as can be.

Mr. MANN. I suggest to the chairman of the committee that gentlemen will probably feel better about this when the consideration of the bill is resumed on Thursday. Had we not better rise now?

Mr. SCOTT. If the gentleman from Wisconsin [Mr. STAFFORD] wishes to put a limitation on the amount—

Mr. MANN. We can do that on Thursday.

Mr. STAFFORD. I think we had better rise. The intervening time will give us an opportunity to draft the amendment.

Mr. MONDELL. I want to say to the gentleman that the amount in any one case would not be very large.

Mr. STAFFORD. Then what objection is there to limiting it? Why not limit the amount which may be paid to any one person?

Mr. MONDELL. If the gentleman would limit it to \$500 in any one case there would be no objection, because I can not conceive of a case where it would be likely to be larger than that.

Mr. RUCKER of Colorado. It might be many times that.

Mr. SCOTT. I will accept the amendment which the gentleman suggests.

Mr. RUCKER of Colorado. I am opposed to any limitation. I make a point of order against the limitation.

Mr. MANN. There is a point of order pending against the paragraph, which will be made in a moment if we do not rise.

Mr. SCOTT. This ought not to be disposed of in too great haste, and in a moment I will move that the committee rise. I ask unanimous consent to extend my remarks in the RECORD that I may have the privilege of answering a little more fully some of the questions that have been asked me.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. GAINES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill (H. R. 31596) and had come to no resolution thereon.

#### CHANGE OF REFERENCE.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent for a change of reference on bill 20825.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

The bill (H. R. 20825) to amend an act entitled "An act to provide for the adjudication of claims arising from Indian depredations," approved March 3, 1891, from the Committee on Claims to the Committee on Indian Affairs.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

#### ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes) the House adjourned until Monday, February 6, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the president of the East Washington Heights Traction Railroad Co., transmitting the annual report for 1910 (S. Doc. No. 799), was taken from the Speaker's table, referred to the Committee on the District of Columbia, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 8123) to establish a biological station for the study of fish diseases, reported the same without amendment, accompanied by a report (No. 2069), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNELL, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 10221) authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston, reported the same without amendment, accompanied by a report (No. 2070), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 20491) to provide an additional district judge for the district of Montana, reported the same with amendment, accompanied by a report (No. 2072), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 32344) to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest, reported the same with amendment, accompanied by a report (No. 2075), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWLAND, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 28216) to provide for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Steubenville, in said district, reported the same with amendment, accompanied by a report (No. 2076), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10326) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2068), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 30160) for the relief of John Lee, alias James Riley, reported the same without amendment, accompanied by a report (No. 2073), which said bill and report were referred to the Private Calendar.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 31987) providing for the releasing of the claim of the United States Government to Arpent lot No. 44, in the old city of Pensacola, Fla., reported the same without amendment, accompanied by a report (No. 2074), which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. MILLER of Minnesota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 3223) to authorize the Kaw Tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes, reported the same adversely, accompanied by a report (No. 2071), which said bill and report were laid on the table.



## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 32240) granting a pension to Sophronia Vanderbeck; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 28247) granting an increase of pension to Reuben Brunner; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 20825) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GARDNER of Michigan: A bill (H. R. 32471) to amend section 22 of the act of Congress approved February 4, 1887, entitled "An act to regulate commerce," as amended by the acts of Congress of March 2, 1889, and February 8, 1895; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: A bill (H. R. 32472) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. HUMPHREY of Washington: A bill (H. R. 32473) for the relief of the sufferers from famine in China; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 32474) to extend the limit of cost of the immigration station, Philadelphia, Pa.; to the Committee on Immigration and Naturalization.

By Mr. BENNET of New York: A bill (H. R. 32475) for the apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census; to the Committee on the Census.

By Mr. ALEXANDER of New York (by request): A bill (H. R. 32476) for the relief of certain volunteer officers of the Civil War; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 32477) to quiet title and possession with respect to a certain unconfirmed and located private-land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict; to the Committee on the Public Lands.

By Mr. HOBSON: A bill (H. R. 32478) to establish a council of national defense; to the Committee on Naval Affairs.

By Mr. CAMERON: A bill (H. R. 32479) to authorize the maintenance and operation of a diversion dam across the Colorado River, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 947) to print an article on "The control of typhoid in the Army by vaccination;" to the Committee on Printing.

By Mr. RUCKER of Colorado: Resolution (H. Res. 948) to investigate wireless-telegraph system; to the Committee on the Merchant Marine and Fisheries.

By Mr. LAW: Resolution (H. Res. 949) authorizing payment to George B. Serenbetz, J. B. Holloway, and Marie G. Potter for extra services; to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 32480) granting an increase of pension to Amelia Grosscup; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 32481) granting an increase of pension to Ulrich Schlaudecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32482) granting an increase of pension to Ammi Johnson; to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 32483) for the relief of the Ingersoll-Rand Co.; to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 32484) granting an increase of pension to Orice Oakes; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 32485) for the relief of the heirs of Young Bear, Neek-rae-khe-ric-kaw, deceased; to the Committee on the Public Lands.

By Mr. BURNETT: A bill (H. R. 32486) granting a pension to Samuel Seymour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32487) granting an increase of pension to Amos L. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32488) for the relief of J. W. Murray, sr.; to the Committee on War Claims.

By Mr. DAVIS: A bill (H. R. 32489) granting an increase of pension to Matilda Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32490) granting an increase of pension to John T. Wray; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 32491) to authorize the issuance of a patent to H. W. Slaughter for land located in Clarke County, State of Alabama; to the Committee on the Public Lands.

By Mr. FASSETT: A bill (H. R. 32492) granting an increase of pension to Katherine L. M. Bachman; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 32493) granting an increase of pension to Loren W. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32494) granting an increase of pension to Homer W. Johnson; to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 32495) granting a pension to Charles J. Nelson; to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 32496) for the relief of William Lilley; to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 32497) granting an increase of pension to William Fluegel; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 32498) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army; to the Committee on Military Affairs.

By Mr. HOWELL of Utah: A bill (H. R. 32499) granting an increase of pension to Huldah C. Smith; to the Committee on Pensions.

Also, a bill (H. R. 32500) authorizing the Secretary of the Interior to issue patent to David Eddington covering homestead entry; to the Committee on the Public Lands.

By Mr. HUGHES of West Virginia: A bill (H. R. 32501) granting an increase of pension to William M. Hovey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32502) granting an increase of pension to John B. Simpson; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 32503) granting an increase of pension to Daniel A. Guy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32504) granting an increase of pension to William D. Jones; to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 32505) granting a pension to William Furze; to the Committee on Invalid Pensions.

By Mr. MCGUIRE of Oklahoma: A bill (H. R. 32506) granting an increase of pension to Joseph W. Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32507) granting an increase of pension to Adeline L. Dalton; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 32508) granting a pension to Jeptha Wright; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 32509) for the relief of Charles Snow; to the Committee on Military Affairs.

Also, a bill (H. R. 32510) granting a pension to George W. Flack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32511) granting an increase of pension to Adrain V. S. Clute; to the Committee on Invalid Pensions.

By Mr. MITCHELL: A bill (H. R. 32512) for the relief of Stephen S. Bennett; to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 32513) for the relief of Harry H. Hall; to the Committee on Military Affairs.

By Mr. PICKETT: A bill (H. R. 32514) granting an increase of pension to James Hayden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32515) granting an increase of pension to Joshua Wigger; to the Committee on Invalid Pensions.

By Mr. POINDEXTER: A bill (H. R. 32516) for the relief of Napoleon Le Clerc; to the Committee on the Public Lands.

By Mr. RANDELL of Louisiana: A bill (H. R. 32517) for the relief of First Lieut. Sanderford Jarman; to the Committee on Claims.

By Mr. ROBINSON: A bill (H. R. 32518) granting a pension to A. G. Hamilton, alias Garland Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32519) granting a pension to Charles Woolston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32520) granting certain property to the city of Hot Springs, to be used for a public park; to the Committee on the Public Lands.

By Mr. SHEFFIELD: A bill (H. R. 32521) granting an increase of pension to James J. Morrally; to the Committee on Invalid Pensions.

By Mr. Sisson: A bill (H. R. 32522) granting an increase of pension to Mary Rebecca Carroll; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 32523) granting an increase of pension to Martha W. Moore; to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 32524) granting a pension to Edwin Cline; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 32525) granting an increase of pension to Russell B. Conant; to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 32526) for the correction of the military record of Maj. Horace P. Williams; to the Committee on Military Affairs.

By Mr. ANDERSON: A bill (H. R. 32527) granting an increase of pension to John Herndon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32528) granting an increase of pension to Martin Barnhart; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 32529) granting an increase of pension to William T. Modglin; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Paper to accompany bill for relief of Everett E. Garner (previously referred to Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. ANSBERRY: Petition of business firms of Delphos, Ohio, against a local rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Newark (Ohio) Chapter of International Association of Mechanics, for the eight-hour clause in naval appropriation bill, and favoring construction of battleship *New York* at Government navy yard; to the Committee on Naval Affairs.

By Mr. BARCHFELD: Paper to accompany bill for relief of William J. Turpin; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Boot and Shoe Makers' Union of Augusta, Me., for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. BUTLER: Petition of Washington Camp, Patriotic Order Sons of America, Honey Brook, Pa., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CARY: Resolutions adopted by Local No. 13039, Milwaukee Bridge Tenders' Union, favoring the enactment of the illiteracy test into our immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of C. E. Gable, secretary of Bridge Tenders' Protective Union, of Milwaukee, Wis., for construction of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. COOPER of Pennsylvania: Petition of Dawson (Pa.) Council, Junior Order United American Mechanics, for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Point Marion (Pa.) Window Glass Local, for the illiteracy test in immigration law; to the Committee on Immigration and Naturalization.

Also, petition of Addison Council, Junior Order United American Mechanics, for immediate enactment of H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. DODDS: Petition of citizens of Isabella County, Mich., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of citizens of Michigan and residents of Charlevoix and Isabella Counties, representing the interests of the great majority of the people, in both city and county, urging Congress to establish a system of parcels post upon the broadest and most liberal basis possible, and especially urging Senators and Representatives in Congress to favor and vote for such legislation and to use all fair means for securing it; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of Chamber of Commerce, State of New York, commending the proposed reciprocal agreement with Canada; to the Committee on Ways and Means.

Also, petition of International Paper Co., of New York City, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Troy Typographical Union, No. 52, for repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: Petition of O. H. Lawson and others, of Yreka, Cal., strongly urging legislation to establish a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of F. J. Halloman and citizens of Blue Canyon, Cal., for H. R. 10276, to protect song birds; to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Petition of Mrs. E. S. Delong, favoring H. R. 13842; to the Committee on Agriculture.

By Mr. FOCHT: Memorials of Camp No. 20, of Trenton, N. J.; Camp No. 321, of Huntingdon, Pa.; Camp No. 661, of Waynesboro, Pa.; Camp No. 487, of Ellitsburg, Pa., Patriotic Order Sons of America, and Junior Order United American Mechanics, of Coalmont, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Lewis P. Hix, of Sycamore, Ill., for H. R. 30891; to the Committee on Expenditures in the Treasury Department.

Also, petition of Gorham & Newport, of Wauponsee, Ill., against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GOULDEN: Petition of the Chamber of Commerce of the State of New York, favoring the proposed reciprocity agreement with Canada; to the Committee on Ways and Means.

Also, memorial of the Republican Club of the city of New York, favoring the passage of Senate joint resolution 134 amending the Constitution; to the Committee on the Judiciary.

Also, petition of citizens of the State of New York, for construction of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HAMILTON: Petition of citizens of Berrien Springs and Allegan, State of Michigan, for the enactment of the Miller-Curtis interstate liquor bill (H. R. 23641); to the Committee on the Judiciary.

By Mr. HANNA: Petition of citizens on rural delivery routes in North Dakota, for increase of salaries of rural deliverers; to the Committee on the Post Office and Post Roads.

Also, petition of Brotherhood of Railway Postal Clerks, for legislation to correct many conditions of the Railway Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Papers to accompany House bill 32285, for reference of claim of Marraton Upton and others to the Court of Claims; to the Committee on War Claims.

Also, paper to accompany bill for relief of Marraton Upton; to the Committee on Claims.

By Mr. HILL: Petition of Ben Miller Council, Junior Order United American Mechanics, Danbury, Conn., for immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Petition of Patriotic Order Sons of America, of Red Bank, N. J., for the immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of the Southern Wholesale Co., A. M. Surbaugh, and others, of Marysville, Utah, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. KNAPP: Petition of Chamber of Commerce of Watertown, N. Y., against House bill 32216, reciprocity with Canada; to the Committee on Ways and Means.

By Mr. KOPP: Petition of citizens of De Soto, Wis., against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petitions of Washington Camps Nos. 472 of Logansville; 22, of New Oxford; and 668, of York, Patriotic Order Sons of America; and Codorus Council, No. 115, Junior Order United American Mechanics, of York, all in the State of Pennsylvania, in behalf of the bill H. R. 15413, to amend the immigration act; to the Committee on Immigration and Naturalization.

By Mr. LANGHAM: Petitions of Washington Camps Nos. 268, of Reynoldsville, and 456, of Sykesville, Pa., Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petition of Ira Curtis, jr., and six other residents of Alpena, Mich., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McCALL: Petition of 800 clergymen of Massachusetts, expressing appreciation of efforts of the United States to constitute an improved international court of justice, urging appoint-



ment of the peace commission, and remonstrating against further increase of the Navy; to the Committee on Naval Affairs.

By Mr. McHENRY: Petitions of Washington Camps Nos. 397, of Lime Ridge, and 116, of Mount Carmel, Pa., Patriotic Order Sons of America, for the immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Jephtha Wright; to the Committee on Invalid Pensions.

By Mr. McMORRAN: Petition of Rose E. Kerr and 150 others of Carsonville, Mich., for extension of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Reslo, Cook, Plattsmouth, and Denton, Nebr., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of clergymen of Chicago, Ill., and other cities, against further increase of the Navy; to the Committee on Naval Affairs.

Also, petition of Chicago Conference Board of International Molders' Union of America, for repeal of tax on oleomargarine to 2 cents per pound; to the Committee on Ways and Means.

Also, petition of Chicago Building Trades Council, for San Francisco as site of Panama exposition; to the Committee on Industrial Arts and Expositions.

By Mr. A. MITCHELL PALMER: Petition of Local Union No. 287, Brotherhood of Carpenters and Joiners, for House bill 15413; to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: Petition of My Maryland Lodge, No. 186, International Association, for eight-hour clause in naval appropriation bill and for the construction of the battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Baltimore Federation of Labor, against repeal of law requiring all Government securities to be printed from hand-roller presses; to the Committee on Expenditures in the Treasury Department.

Also, petition of Blue Ridge, Brunswick, Mount Vernon, and Jefferson Councils, Junior Order United American Mechanics, and Long Corner Council, Daughters of America, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Petition of George Rule, jr., and others, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Papers to accompany bills for relief of James J. Morally, Henry A. Reynolds, William Johnson, Rosella R. Winslow, Margaret Sayles, Samuel C. Fish, Sarah J. Viall, and George P. Lawton; to the Committee on Invalid Pensions.

By Mr. STURGISS: Petition of Washington Camp No. 33, of Stotlers Cross Roads, and Washington Camp No. 22, of Berkeley Springs, of the Patriotic Order Sons of America, and Council No. 20, Junior Order United American Mechanics, in the State of West Virginia, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of New York: Petition of Wyckoff Heights Taxpayers' Association and Harold M. Hutchinson and other citizens of Brooklyn, N. Y., for building a battleship in Brooklyn Navy Yard; to the Committee on Naval Affairs.

## SENATE.

MONDAY, February 6, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

### RAILWAY MAIL CARS.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of June 25, 1910, certain information relative to the cost of building and maintaining post-office cars (S. Doc. No. 810), which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. LA FOLLETTE subsequently said: I ask unanimous consent to have printed in the RECORD the report presented from the Interstate Commerce Commission upon the resolution which I introduced at the last session inquiring as to the cost of the construction and maintenance of railway mail cars. It is a brief report and contains a lot of information which I think will be of value.

The VICE PRESIDENT. Without objection, the report will be printed in the RECORD.

The report is as follows:

[Senate Document No. 810, Sixty-first Congress, third session.]

INTERSTATE COMMERCE COMMISSION,  
Washington, February 2, 1911.

### To the Senate and House of Representatives:

The Interstate Commerce Commission has the honor to submit the following in response to the resolution of the Senate dated June 25, 1910, which reads as follows:

"Resolved, That the Interstate Commerce Commission make an investigation and report to Congress at its next session the cost of building and maintaining post-office cars, namely:

"First. What would be the reasonable cost to the Government per car for standard 60-foot railway post-office cars of the type in common use fully equipped for service?

"Second. Cost of new modern cars of steel.

"Third. What would it cost the Government to keep such cars in repair for average use? (a) Of wooden construction; (b) of steel construction.

"Fourth. What is the average life of such a car? (a) Of wooden construction; (b) of steel construction.

"Fifth. What do the express companies pay to the railroad companies for hauling the cars of the express companies of equal capacity?

"Sixth. The average cost of heating and lighting 60-foot railway postal cars."

Upon receipt of copy of this resolution the commission assigned to the investigation of the matters involved three of its expert employees, a copy of whose report to the commission is hereinafter set forth. While the cost of maintaining mail cars ordinarily should be about the same on different lines operating in the same territory, dependent, however, upon conditions under which the cars are used, the reports of the carriers show this cost to vary from a minimum of \$2.80 per 1,000 miles to a maximum of \$18 per 1,000 miles.

The accounts of the railroads have been so kept that they show the average cost of maintaining a passenger car, but no distinction has been made between the different kinds of cars used in their passenger trains—that is, between mail cars, baggage cars, and passenger coaches proper.

There has not been sufficient time to examine the multitude of shop records to obtain actual and complete figures, but from an analysis of the tables submitted and from personal examinations by our experts the conclusions stated in the report submitted have been reached. Therefore, although not absolutely accurate, this report is sufficiently so to form the basis of an intelligent judgment of the actual expenses incurred by railroads in maintaining these mail cars year after year.

Damage from wrecks and accidents to mail cars enter into the accounts of the railroads, but it has been impossible to separate that item from others. As between themselves, the railroad upon which the wreck occurs is responsible to the owner of the car for the damage sustained.

The expenses shown in this report do not include what might be termed the expenses of ownership, such as the cost of insurance and interest on the investment, nor do they include items for reconstruction in conformity with requirements of the Post Office Department or of the Congress.

We regard the steel car for use in passenger trains as having passed the experimental stage, as is evidenced by the rapidly increasing use of that type in newly constructed sleeping cars, coaches, and dining cars. There can be no doubt that a steel mail car will afford much more protection to the safety of the employees in the car, as well as to the mail matter. The cost of a steel car is but little more than that of a wooden car. The cost of maintenance of the steel car can not be accurately stated at this time, but there is no reason to assume that it will be much greater than for a wooden car. In any event the extra cost of construction and maintenance can not equal the advantages arising from the added safety which the steel car affords. We think that hereafter steel mail cars should be constructed in the place of other types made partly or largely of wood.

The report from the committee of experts designated to conduct this inquiry is as follows:

"Question 1. What would be the reasonable cost to the Government per car for standard 60-foot railway post-office cars of the type in common use, fully equipped for service?

"Question 2. Cost of new modern cars of steel?"

To more fully cover the subject we have added a third type of car which was not mentioned in the Senate resolution, but which has been in use on certain railroads for several years, viz, wooden cars with steel underframe. We have classified them as follows:

(A) Cars of wooden construction,  
(B) Cars of all steel construction, and  
(C) Cars of wooden construction with steel underframes.

The variation in the cost of labor and material and the absence of detailed specifications covering types (B) and (C) make it impossible to give an exact figure, as cars of the same general type may differ materially in details of construction, which would be of vital importance in determining the cost; but, generally speaking, the cost of well-constructed modern cars of the types referred to should be within the following limits:

A. \_\_\_\_\_ \$7,500 to \$8,000

B. \_\_\_\_\_ 9,500 to 10,000

C. \_\_\_\_\_ 8,500 to 9,000

Question 3.—What would it cost the Government to keep such cars in repair for average use?

This is a very difficult question to answer with accuracy, owing to the variation in the cost of labor and material in different sections of the country; the different working conditions and methods followed in different localities, together with varying climatic and physical conditions which compel certain repairs to be made more frequently in some sections of the country than in others.

In our investigation we have gone to 24 of the principal railroads of the country, and have made as close an investigation of the actual cost of maintaining 60-foot railway post-office cars as the condition of their records and the time at our disposal would permit. Our investigation has disclosed the fact that not one of these railroad companies keeps a separate record of the actual cost of maintaining their railway post-office cars. The records of repairs to these cars, under the system of accounting prescribed by the commission, are kept under the general head of "Repairs to passenger-train cars." Therefore such records as we were able to obtain were largely a pro rata charge based on the total cost of repairs to all passenger-train cars in service.

This method of dividing the cost is manifestly unfair for the following reasons: Cars for carrying passengers are equipped with uphol-